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ABSTRACT

This manual for parents of children and youth with handicapping conditions presents an overview of the special education process in New York State. Part 1, after a brief history of legislation since 1960 which established public education rights for students with handicaps, briefly describes regular education and its interaction with special education. There follows an overview of the special education process in New York State and a detailed chapter discussing each of the seven steps involved in the process: (1) referral; (2) evaluation; (3) recommendation and initiation of the Individualized Education Program (IEP); (4) implementation; (5) the IEP planning conference; (6) the annual IEP review; and (7) triennial evaluation. Due process rights at each stage are explained, and a separate chapter summarizes these rights. A discussion of factors to be considered in planning for the child's future includes occupational education, rehabilitation services, employment and independence, postsecondary education, aging-out, sources of assistance, and financial planning. A resource list of 11 New York State departments or agencies is provided. Part 2 provides ideas and suggestions for parent participation in the educational process in the form of checklists, sample forms, record keeping ideas, and suggestions for parent-school cooperation. Also included is a timeline and sources of assistance for planning beyond high school and a list of frequently used acronyms. (BRM)

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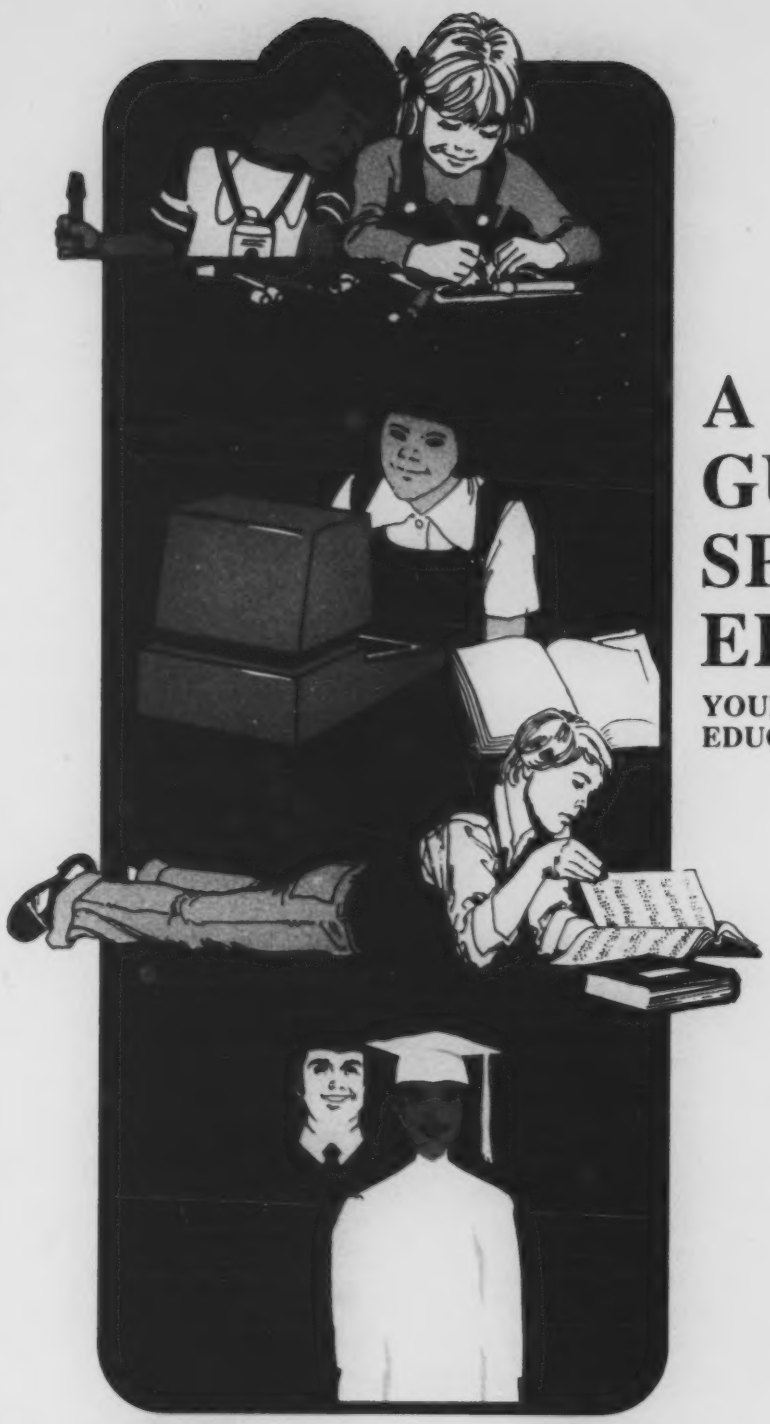

A PARENT'S GUIDE TO SPECIAL EDUCATION

YOUR CHILD'S RIGHT TO AN EDUCATION IN NEW YORK STATE

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE FOR EDUCATION OF CHILDREN
WITH HANDICAPPING CONDITIONS
ALBANY, NEW YORK 12234

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ASSISTANT COMMISSIONER FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

March 1990

TO: Parents, Committees on Special Education, Agencies, Organizations and Individuals Concerned with the Education of Children and Youth with Handicapping Conditions

FROM: Thomas B. Neveldine, Acting Assistant Commissioner

SUBJECT: A Parent's Guide to Special Education

A Parent's Guide to Special Education; Your Child's Right to an Education in New York State has been revised to reflect changes in Education Law and Regulations of the Commissioner of Education enacted since the last publication issued in 1988.

As with the previous edition, Part I of this guide provides information related to the special education process for children and youth, 5-21. Part II is intended to be a practical handbook with suggestions for record keeping, participation in parent/school partnerships, due process assurances, and resource materials. Together they provide a complete reference for parents whether their child is being referred for consideration of the need for special education services or being reviewed for continued eligibility.

School districts are now required by Chapter 212 of the Laws of 1989 to provide parents of children with handicapping conditions with a handbook which describes the special education process, its programs and services and the rights of a child with a handicapping condition to a free and appropriate public education. Parents must be provided this information by the Committee on Special Education soon after determination that a child has a handicapping condition. The intent of this law is to fully inform parents so that they may be actively involved in the special education process. This manual has been revised to include the most recent changes in the provision of special education. It is our sincere hope that this manual will help parents become knowledgeable about special education in order to ensure appropriate educational programs for students with handicapping conditions.

Copies are available from:

OECHC — Division of Program Development
ATTN: Parent's Guide
Room 1069, Education Building Annex
New York State Education Department
Albany, New York 12234

A PARENT'S GUIDE TO SPECIAL EDUCATION

Your Child's Right to An Education in New York State

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office for Education of Children with Handicapping Conditions
Albany, New York 12234

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To Parents

This guidebook is written for parents of children and youth between the ages of 5 and 21 with handicapping conditions. It is intended to be a resource as you participate in your child's education program. As a parent of a child with a handicapping condition, it is most important that you become active in helping shape decisions about your child's regular and special education program. In doing this, it will be helpful for you to know about the steps that must be followed in order for your child to receive special education programs and services. These steps are established in law and regulation and provide you and your child with certain guarantees. It is the intent of this guidebook to provide you with a description of the laws and regulations affecting the provision of special education. This information will help you understand each step in the special education process. With this knowledge, you will be prepared for an active role in your child's education, one that involves collaboration with school district personnel in the development of an appropriate educational program for your child.

The guidebook is one way of demonstrating the State Education Department's commitment to provide you with the information and assistance needed to understand your child's rights and to enable you to become a successful partner in your child's education. The Department hopes that the content and suggestions included in this guide will help your child benefit from a cooperative support system between home and school.

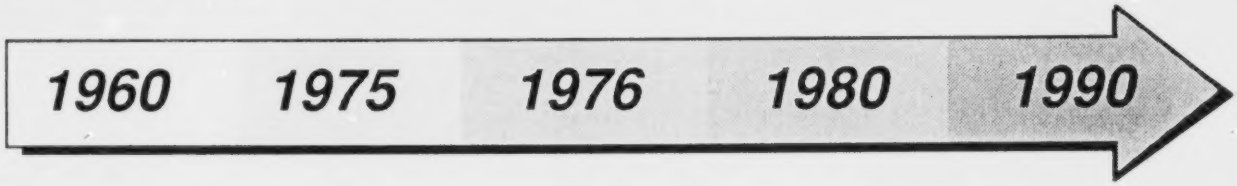
The first part of this manual provides information about the provision of educational programs for children and youth with handicapping conditions. At the end of each section a summary of due process procedures relevant to that section are provided. The second part of the guidebook provides ideas and suggestions to assist you in becoming a partner in the educational process. There are checklists for your participation, sample forms, record keeping ideas, and suggestions for parent-school cooperation.

PART I

A Reference for Parents on the Special Education Process in New York State

Introduction

Special education has undergone much growth and activity since 1975. The brief overview that follows highlights major activities and helps in understanding current requirements.



HISTORY

Until the 1960s, efforts to provide adequate care and education to persons with handicapping conditions were inconsistent, and often inappropriate. This caused great concern and led to increased activity by parent organizations and advocacy groups. The courts also became involved. Litigation in this area became more and more frequent. Several laws were passed to alleviate situations of neglect and inadequate provision of services for students with handicapping conditions. This period of change paralleled other equal rights movements in this country which stressed civil liberties.

Public Law 94-142 was signed in 1975 and greatly affected the provision of education for children with handicapping conditions in the United States. It was a unique law that created and defined its purpose in very specific terms:

Concerns Addressed	Assurances
• unserved and unidentified children with handicapping conditions;	• children with handicapping conditions are entitled to a free appropriate public education;
• limited recourse for preventing or correcting inappropriate decisions;	• the rights of children with handicapping conditions and parents are protected;
• ineffective and inadequate programs and services;	• programs are evaluated for their effectiveness;
• limited local and State resources;	• requires local and state commitment of resources.

In New York State, since the late 1970s, revisions have been made in Federal and State laws, regulations and guidelines for local school districts and agencies to provide and expand services to students with handicapping conditions. These efforts resulted in definitive and well-tested revisions of Part 200 of the Regulations of the Commissioner. A comprehensive system of educational services is now firmly established to meet the individual needs of children with handicapping conditions. At the Federal level, Public Laws 95-561, 98-199, 99-372, 99-457 and 100-630 revised and extended P.L. 94-142, placing greater emphasis on the role of parents in the special education process.

The purpose of special education law and regulation is to ensure that each student with a handicapping condition has equal opportunity to benefit from public instruction.

Your child's rights can be described under the following concepts:

- **The Right to a Free Public Education**

  Children in New York State, who reach the age of five on or before December 1 of that school year or later, as determined by the school district, are eligible to attend public schools in the district where they live without payment of tuition. Eligibility to attend school continues until receipt of a high school diploma or until the end of the school year of their twenty-first birthday, whichever is earlier.

- **The Right to a Free Appropriate Public Education**

  Children with handicapping conditions are entitled to receive a free **appropriate** public education. The addition of the word appropriate has important implications for your child. They have the right to expect an educational program which permits them to benefit educationally from the instruction provided. These educational programs are **special** because they are specifically designed for the individual student with handicapping conditions and are systematically reviewed for appropriateness.

- **The Right to Instruction in the Least Restrictive Environment**

  The needs of many children with handicapping conditions can be met in a public school setting with peers who are not handicapped. Alternative programs should be considered only when the students' needs cannot be met within the regular school setting. All students with handicapping conditions must have access to the total educational program as these programs are appropriate to their individual needs. The concept of the least restrictive environment ensures three considerations for all children with handicapping conditions:

  —appropriateness of programs and services for meeting student needs;
  —student involvement with nonhandicapped peers; and
  —closeness of school programs to home.

- **The Right to Equal Access and Due Process**

  Children with handicapping conditions have certain rights protected by law and due process. This encourages schools and parents to work together to provide a free appropriate education in the least restrictive setting. As partners in the process, both school officials and parents have a responsibility to consider children's needs and to provide an education accordingly. If individuals disagree, formal and informal methods are available to maintain a fair process for resolution, including the right to an impartial hearing to be arranged by the Board of Education, if you cannot come to an agreement with school officials.

PARENTAL INVOLVEMENT

Laws and regulations for the education of children with handicapping conditions have formally recognized the role of parents in the special education process. However, laws and regulations can go just so far. The success of any individual's educational program relies on the active participation of all persons responsible for the student. Effective parent involvement is an essential part of this process. Although you may vary your level of participation as your child proceeds through school, your successful participation at any point will depend on:

- Being fully informed about school programs and your child's rights;
- Viewing your position as one of partnership with the school;
- A willingness to become involved and interested;
- Providing support to educational programs;
- Asking questions and voicing concerns when you are unsure;
- Communicating with your child about school; and
- Maintaining current information about your child's educational program and progress.

The Starting Point—Regular Education

More than 90 percent of students with handicapping conditions receive their education in public schools. The majority of these students participate in regular education classes and extracurricular activities and are capable of meeting diploma requirements. This has far-reaching implications for planning educational programs for students with handicapping conditions. It also illustrates a very important concept — special education is one part of the total school program.

In the past, special education was viewed as a separate part of the school or district. Classes were physically separated from the rest of the school. Students in special education were not afforded the same opportunity to access curriculum. A lack of emphasis and awareness on how to coordinate programs kept teachers and students isolated. Both regular and special educators have worked diligently during recent years to change this practice. The concept of the least restrictive environment has become important in promoting needed changes. Consideration of the least restrictive environment influences parents making short- and long-term decisions about their children's education. It is important, therefore, to be knowledgeable about regular education **and** special education programs.

Free public education is provided by a local school district to eligible school-age students who reside in that district. This means that students who have reached the age of five on or before December 1 of a given school year or later as determined by the school district, and those who are under 21 years of age at the beginning of their last school year, are entitled to instruction. Free public education ends when a student receives a diploma or when a student finishes the school year at age 21. However, students with handicapping conditions who receive a High School Individualized Education Program (IEP) Diploma or local certificate may continue to attend school until age twenty-one or the school year in which this age is attained. In addition, all children between the ages of 6 and 16 are **required** to attend school on a full-time basis in New York State.

The following information is especially important in planning for the education of students who may require special education:

1) The availability of free instruction through age 21 provides an opportunity for all students, including students with handicapping conditions, to be educated. This means that high school students are eligible to pursue a diploma at public expense beyond age 18. The option to achieve minimum competencies and to acquire high school credit beyond a four-year time frame can help to ensure educational success.

2) Students with handicapping conditions must have the opportunity to participate in a full range of programs and services available through regular education and special education. All students, including those with handicapping conditions, should have access to programs that will lead to a local or Regents diploma, after consideration of the student's individual needs. These two types of diplomas are documents which signify that minimum standards have been achieved. This consideration is important in planning for the attainment of long-range student goals.

3) Although eligibility for public school education begins officially at age five, some school districts provide prekindergarten programs. If such programs are available to preschoolers, they must also be available for preschoolers with handicapping conditions.

4) If parents voluntarily enroll their children in a school other than their local public school, the local public school is not required to pay for that education. However, if the public school places a student in a school or agency outside of the district, for purposes of special education, the school is required to provide the program at no cost to the parent.

5) A student who attends a nonpublic school is entitled to special education services and programs if the local public school determines that the student has a handicapping condition and such programs and services are appropriate for the student. Parents who have enrolled their children in a nonpublic school may request an evaluation to determine the need for special education by making a referral to their district Committee on Special Education (CSE).

6) The school district has a responsibility to ensure that you fully understand what special measures they propose to take to help your child in school. They must communicate to you in your primary language or mode of communication.

7) Students with handicapping conditions who are placed with other State agencies, such as the Office of Mental Retardation and Developmental Disabilities (OMRDD), Office of Mental Health (OMH), or Department of Social Services (DSS), are entitled to special education programs as appropriate.

HOW DO REGULAR EDUCATION AND SPECIAL EDUCATION INTERACT?

All programs and services in the public schools must be available to students with handicapping conditions. Students with handicapping conditions can participate in as many regular education programs and services as appropriate, dependent on the nature and degree of the handicapping condition. It is the goal of special education programs to integrate students with handicapping conditions into regular education programs and services as much as possible. The Committee on Special Education (CSE) and building principals work together to ensure that this integration occurs.

WHAT IS PUBLIC SCHOOL EDUCATION?

Public schools may offer a wide range of programs to their students. The following boxes show some of the kinds of programs or services that schools offer. However, the range of services available will vary between school districts. It is important to become familiar with the programs that your district has and know how special and regular education work together.

DIAGNOSTIC SERVICES

(see p. 5)

- academic screening for new entrants
- statewide and local achievement tests
- physical/health examinations

SUPPORT SERVICES

- counseling
- school nurse services
- crisis intervention programs
- library services
- declassification support services
- speech and language improvement services
- educationally related support services

INSTRUCTIONAL SERVICES

- academic classes in core subject areas
- occupational education classes
- remedial instruction
- physical education (including adaptive physical education)
- special education programs and related services
- alternative programs for special populations, such as gifted and talented, high risk, low achievers, speakers of other languages, etc.
- health, art, music, second language, and other special subject areas

EXTRACURRICULAR ACTIVITIES

- clubs
- intramural and interscholastic sports
- field trips
- plays, assemblies, organized events

Diagnostic Services include the following:

Screening Programs. New entrants to public schools must be screened to determine if they are possibly gifted or have handicapping conditions. In addition, students who score below certain levels on statewide tests must be screened. The results of the screenings are included in a written report which is reviewed by school personnel for possible recommendation of services. This screening is a preliminary assessment in the areas of receptive and expressive language, articulation, physical development, motor development and cognitive development. It must also include a health examination. Scoliosis screenings are required in certain grades.

Testing Programs. Statewide tests are required for demonstration of competencies in academic areas. New York State's testing program is very comprehensive and provides checkpoints to assess student progress. Students are expected to participate in these programs and demonstrate knowledge and skills that reflect required competencies. Alternative testing techniques are available for students with handicapping conditions to allow every opportunity to demonstrate acquired skills and knowledge. The type of alternative testing technique that a student needs is written on the Individualized Education Program.

A summary of statewide tests is presented below:

GRADE	TEST	AREA
3	Pupil Evaluation Program (PEP)	Math, Reading
5	Pupil Evaluation Program (PEP)	Writing
6	Pupil Evaluation Program (PEP)	Math, Reading
by end of Grade 6	Program Evaluation Test (PET)	Science
6	Program Evaluation Test (PET)	Social Studies
8	Program Evaluation Test (PET)	Social Studies
8-9	Preliminary Competency Tests (PCT)	Reading, Writing
9	Regents Competency Test (RCT)	Math
9	Regents Competency Test (RCT)	Science
8	Proficiency Examinations	Second Language
9-12	Proficiency Examinations	Occupational Education
9-12	Regents Examinations	Various Subject Areas
11	Regents Competency Test (RCT)	American History and Government
11-12	Regents Competency Test (RCT)	Reading, Writing

Students with handicapping conditions must have equal opportunity to participate in the educational system with their nonhandicapped peers. Special education, which is one component of the public school system, is purposely designed to maximize the strengths of each student with a handicapping condition by providing specialized small group instruction and to strengthen the educational progress of eligible students.

Another Approach—Special Education

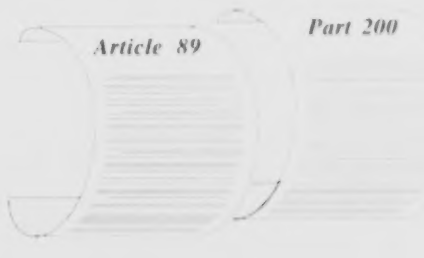
Educational approaches must keep pace with changes occurring in our society. These changes help students receive instruction that prepares them successfully for life-time endeavors. Providing a wide range of programs which offer students instruction according to their abilities, using creative teaching methods and providing alternative educational programs are some of the changes educational systems have made. Many districts have open classrooms, programs for the gifted and talented, incentives for high-risk students, and other nontraditional services. The goal of recent changes is to provide students with options that more appropriately address student needs and capabilities.

It is not uncommon for students to have some difficulty during their educational years. At such times, teachers adjust curriculum or provide additional instruction, remedial work or support services. Such adjustments enable students to maintain progress within the regular education setting. Special education is another type of adjustment in the student's education.

Special education is an approach for providing specially designed services and programs for children with educational handicaps. It is intended to meet individual needs and enhance strengths. Students and parents become introduced to special education in various ways. Some handicapping conditions are recognized when children are very young. Others are not identified until children show difficulty in regular school programs. Special education programs and services assure that students with handicapping conditions receive appropriate and equal opportunities for educational growth up to age 21.

In New York State, the requirements for special education are specified in Article 89 of the Education Law and Part 200 of the Regulations of the Commissioner of Education. The law and regulations outline a standardized statewide process that follows Federal requirements and, most importantly, protects the integrity of educational programming for children with handicapping conditions.

NEW YORK STATE



WHAT IS THE SPECIAL EDUCATION PROCESS?

The need for special education is determined in the following manner:

- Students thought to be educationally handicapped are **REFERRED** to a multidisciplinary team called the Committee on Special Education (CSE).
- This team, the CSE, **EVALUATES** students' strengths and deficiencies.
- The CSE **RECOMMENDS** an appropriate Individualized Education Program (IEP) based on evaluation results.
- The program is **IMPLEMENTED** upon Board of Education and parental approval.
- Student objectives are discussed and written at a **PLANNING CONFERENCE** with the parent.
- The IEP is modified or adjusted by the CSE at an **ANNUAL REVIEW**.
- The student has a **TRIENNIAL EVALUATION** (every 3 years) to assure that the IEP is the appropriate educational plan, and that the student continues to require special education programs and services.

The process occurs sequentially with each step building on the previous one. In this way, comprehensive information regarding the student is obtained and considered. Parents are an integral part of this process. Your involvement is encouraged and timelines are in place so that delays are avoided. The Practical Handbook Section is included in this guide to provide suggestions for your involvement and to encourage your active and informed participation. The Practical Handbook is organized to correspond to the special education process explained above.

WHO IS INVOLVED IN THE PROVISION OF SPECIAL EDUCATION?

Many people with different responsibilities are involved throughout the process. Each person's success in fulfilling his or her responsibilities affects the completion of tasks on time and the thoroughness of program planning.

The key decision-makers in the special education process are:

- **the parent or guardian and the child, when appropriate**
- **the Board of Education/Trustees**
- **members of the Committee on Special Education and its subcommittees**
- **educational administrators**
- **teachers and support staff.**

The **parent or legal guardian** of the child plays an important part in special education. Parental participation is encouraged and some activities cannot take place without your approval. The school must fully inform you of special education activities regarding your child and provide the opportunity for your participation in meetings. You provide initial consent to proposed actions and may exercise due process rights if disagreements arise. These parental responsibilities are formalized in Federal and State laws and regulations. However, your *informal* role may be just as important in ensuring an appropriate educational program for the child. Informal responsibilities may include:

- Consistently following your child's educational development
- Preparing in advance for meetings
- Making sure that you receive required notices and current information
- Keeping records of letters and contacts
- Maintaining a current file on your child's school progress.

Your initiatives to be involved will help build a true partnership with the school. In some cases, the parent or guardian of a child with a handicapping condition is unknown or unavailable. The district is then obligated to appoint an appropriate adult to serve in the role of the natural parent or guardian.
This individual is called a **surrogate parent** and ensures equal protection and support for the child in the parent's absence.

In New York State, the **Board of Education** (BOE) is responsible for education in the school district. This includes providing instruction for children with handicapping conditions. The Board of Education must conduct a census to identify all children with handicapping conditions who reside in the district. It must maintain a register of children with handicapping conditions entitled to attend the schools of the district. The BOE must also appoint the Committee on Special Education and any subcommittees, establish written policy regarding the provision of special education programs and services, and approve program recommendations. In addition, the BOE must maintain lists of impartial hearing officers and surrogate parents.

The **Committee on Special Education** (CSE) is a multidisciplinary team that coordinates evaluations and recommends programs and services for children with handicapping conditions. This group works to ensure that the child's needs are considered from all viewpoints. Traditionally, decisions in providing special education were made by individuals, not teams. However, the results of these decisions indicated that the approach was not always fair. Decisions made through a multidisciplinary team process are based on more information, encompass a wider range of ideas and consider many different alternatives in the process.

The Committee on Special Education has several responsibilities in the special education process. Major duties include reviewing referrals, conducting and arranging evaluations, and recommending appropriate programs for children with handicapping conditions. The CSE also reports to the Board of Education on the status of special education and is often responsible for notifying and assisting parents.

The membership and responsibilities of the Committee on Special Education are mandated in Article 89 of Education Law and specified in the Part 200 Regulations of the Commissioner. The Board of Education of each district must appoint at least four specific persons to the Committee. The mandated members are as follows:

- **School psychologist**
- **Teacher or administrator of special education**
- **School physician** - membership is mandatory but actual attendance at each meeting is requested by the parent or the CSE in advance
- **Parent of a child with a handicapping condition** residing in the school district.

The Regulations of the Commissioner of Education require the participation of the **student's teacher**, whenever the CSE meets to develop an IEP, thus making the teacher a mandated participant at these meetings.

Other persons the district feels may be helpful to the team, such as guidance counselors, school nurses, social workers, related service personnel, school administrators, and other professionals, such as vocational rehabilitation counselors also may be invited to participate.

The Board of Education may appoint **subcommittees** to assist the Committee on Special Education. The members of the subcommittees and their responsibilities are similar to those of the main Committee. Subcommittees report to the CSE and rely upon the main Committee to resolve parent/school disagreements.

Several educational **administrators** may be involved with the provision of services to children with handicapping conditions including the following:

- **Superintendents of Schools.** — They may recommend policy to the Board of Education, including policy related to special education. Superintendents are also responsible for assuring that policy and procedures are implemented to the satisfaction of the Board.
- **Central Office Administrators.** — Directors and assistants for Special Education, Pupil Personnel Services, Elementary and Secondary Instruction, Transportation, and Finance usually participate in areas related to special education. Input may range from staff assignments and scheduling to arrange for student placement and evaluating program effectiveness.
- **Building Level Administrators.** — School principals, assistant principals, deans, and department coordinators often contact parents, communicate with teachers and assist students with handicapping conditions to ensure coordination. Building level administrators can offer direct support and assistance for most questions related to day-to-day instruction and school concerns. They are also responsible to ensure that children and youth with handicapping conditions are fully integrated into programs and services available to regular education students to the extent appropriate to their individual needs. The building level administrator is sometimes more familiar to the parent of the child with a handicapping condition, and may be used as a resource for information on special education.

Many other people, including **teachers and support staff**, may also be involved with your child's special education program. Special education teachers, regular education teachers, teaching assistants, teacher aides, related services personnel, psychologists, social workers, guidance counselors, reading specialists, school nurses, custodial staff, office personnel, or other adults help students during the course of a school day. These people may be requested to provide information, assistance or services to supplement the child's educational program.

In addition, New York State's educational system requires that both regular and special education staff work cooperatively to provide programs for students with handicapping conditions. Regular education teachers who have students with handicapping conditions appropriately placed in their classes are responsible for understanding student needs and modifying materials and instructional techniques, as needed. In addition, special education services have been established to assist regular education teachers provide instruction to students with handicapping conditions in their classrooms.

HOW IS SPECIAL EDUCATION PROVIDED TO SCHOOL-AGE CHILDREN?

The process of providing special education to eligible students (5-21 years old) consists of specific steps which have been mentioned previously. The major steps are **referral, evaluation, recommendation, implementation, planning conference, annual review,** and **triennial evaluation**. For students who have not been previously identified as having a handicapping condition:

- Referral, evaluation and recommendation must be completed within 30 school days after parental consent to evaluate is received or 40 schools days from receipt of referral, whichever period ends earlier. The recommendation for students who are determined to be eligible for special education programs and services will result in a Phase I Individualized Education Program.
- Implementation of the Phase I must begin within 30 school days of the recommendation.
- The IEP planning conference must be held within 30 school days of program implementation in order to develop the short-term instructional objectives. This conference will result in development of the Phase II IEP.

After this time, the process is cyclical. The student's progress is reviewed at least annually by the CSE, and the student is reevaluated every three years.

It is important for you to ask questions of teachers, administrators and other school staff about the provision of special education. The general description provided thus far outlines State requirements. The specific steps will be detailed in the next several pages. However, at times, there may be additional requirements for districts as the result of Board policy or judicial decrees and decisions. If you have doubts, actively seek answers to questions that you may have. The information will reinforce the home/school partnership for the benefit of your child's education.

WHAT RESOURCES ARE AVAILABLE TO HELP PARENTS UNDERSTAND THE SPECIAL EDUCATION PROCESS?

Your local school district is an important resource to utilize in understanding how the special eduction process affects your child. It is important for you to ask questions of teachers, administrators, and other school staff about the provision of special education and about the particular needs of your child.

In addition to your local school, the Office for Education of Children with Handicapping Conditions has offices in five regions of the State and a central office in

Albany. Staff is available to provide parents with information and assistance on the laws and regulations for special education. Regional staff are also available to answer specific questions about the needs of your child and the provision of special education programs and services. You can contact these offices with concerns or complaints that you have not been able to settle at the local level. Regional staff would be able to explain your rights and assist you in settling your disagreements with the school. Regional Associates are required to respond to your requests in a timely manner.

Another resource that is available to you is the Special Education Training and Resource Center (SETRC) network. These Centers operate in 33 locations across the State. Each SETRC has at least one Training Specialist who is an experienced special education teacher or administrator. SETRC trainers are available to answer general questions and provide you with resource material and information on special education. SETRC is also responsible to provide training to a variety of individuals, including parents, on topics and issues related to special education.

Addresses and phone numbers for the Office for Education of Children with Handicapping Conditions' regional offices and for SETRCs can be found in the **RESOURCE** section of this book.

HOW IS SPECIAL EDUCATION PROVIDED TO THREE- AND FOUR-YEAR-OLD CHILDREN WITH HANDICAPPING CONDITIONS?

As of July 1, 1989, school districts are responsible for assuring the provision of special education services to eligible preschool children with handicapping conditions who are three and four years of age. State law and regulations have been developed which apply specifically to this population and differ from those pertaining to the school-age population of pupils with handicapping conditions.

In accordance with the law, each local school district is required to establish a Committee on Preschool Special Education (CPSE). If, as a parent of a preschool child, you suspect that your child may have a handicapping condition, your child should be referred to the CPSE. At the time of referral, each Board of Education will provide you with a list of programs which have been approved by the State Education Department to conduct evaluations. You will be asked to select the program that will conduct your child's evaluation from that list. You will also be asked to provide consent for the board to arrange the evaluation at the approved site.

After the evaluation is conducted, the CPSE will meet to discuss your child's evaluation. If your child is eligible for special education services, the CPSE will develop a recommendation for programs and services which have been approved by the State Education Department. The CPSE recommendation will then be submitted to the Board of Education for final approval. However, your consent will be required so that placement in the program can occur.

As with the school-age population, special education that is provided to three and four year olds must follow a timeline.

- The child's evaluation and recommendation must be completed by the CPSE within 30 days of obtaining parental consent. The recommendation for children who are determined to be eligible for special education programs and services will result in a Phase I Individualized Education Program.
- Implementation of the Phase I must begin within 30 school days of the recommendation.
- The IEP planning conference must be held within 30 school days of program implementation in order to develop the short-term instructional objectives. This conference will result in development of the Phase II IEP.

In addition to this timeline, preschool children with handicapping conditions and their parents are entitled to all the due process rights available for school-age children with handicapping conditions. For example, you have a right to be fully informed of all procedures and actions taken. If you disagree or feel that appropriate actions were not taken, you have the right to request an impartial hearing at any time in the process.

WHAT RESOURCES ARE AVAILABLE TO HELP PARENTS OF PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS UNDERSTAND THE SPECIAL EDUCATION PROCESS?

If you are a parent of a preschool child who feels that your child may need special education, information and assistance is available to you through the following resources:

- The principal of your local public school would have information about special education for your preschool child. The principal would also be able to refer you to the specific people in the district who work in this area.
- The Early Childhood Direction Center (ECDC) in your area. This network, coordinated by the State Education Department, provides information and assistance to professionals and parents of preschool children who have or may have a handicapping condition. Parents of children ages three and four with identified or suspected handicapping conditions may

contact the Early Childhood Direction Center to receive information regarding procedures to access approved special education programs and services.

- Public and private preschool providers have information regarding services for preschool children with handicapping conditions.
- Staff from the Office for Education of Children with Handicapping Conditions from the central office in Albany and the regional offices are available for questions.

Addresses and phone numbers for the Office for Education of Children with Handicapping Conditions' regional offices and for the ECDCs can be found in the **RESOURCE** section of this book.

The Special Education Process for children and youth, 5-21.

STEP 1
Referral: Identifying Children Who May Need Special Education

STEP 2
Evaluation: Collecting Information Through Assessment

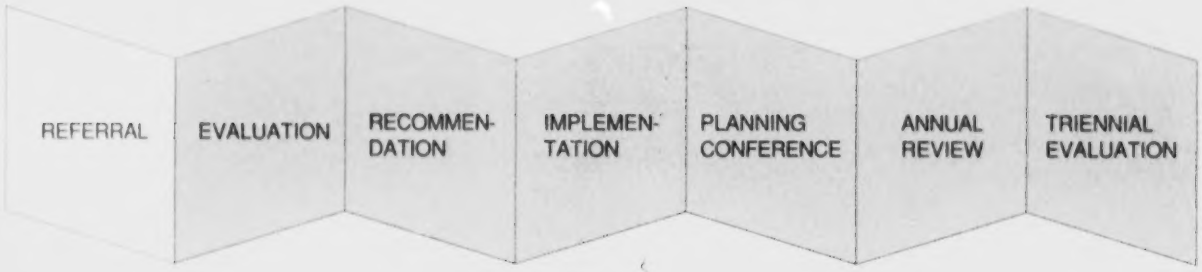
STEP 3
Recommendation: A Plan for Children's Needs/Phase I of the IEP

STEP 4
Implementation: Arranging for Programs and Services

STEP 5
Planning Conference: Phase II of the IEP

STEP 6
Annual Review: Updating the Program

STEP 7
Triennial Evaluation: Updating Tests and Evaluative Information



STEP 1

Referral: Identifying Children Who May Need Special Education

WHAT IS A REFERRAL?

A referral for special education is a written statement sent to the Committee on Special Education or the building administrator. It indicates that the person submitting the referral believes your child may have a handicapping condition which adversely affects educational performance. A referral to the CSE does not necessarily mean that your child has a handicapping condition. It signals that your child is having learning difficulties and that the person making the referral is concerned that the problem may be due to a handicapping condition.

WHO CAN MAKE A REFERRAL?

The following persons can make a referral to the Committee on Special Education:

- A child's parent or person in parental relationship.
- A professional staff member of the school district in which your child resides or in the public or private school your child legally attends.
- A licensed physician.
- A judicial officer.
- The commissioner or designee of a public agency with responsibility for welfare, health or education of children.
- An individual, on his or her own behalf, if he or she is 18 years of age or an emancipated minor.

WHAT SHOULD BE IN A REFERRAL?

Each referral must be in writing. The specific content of a written referral depends on the source of the referral.

- A referral by a parent, a judicial officer or the student should include the reason for submitting the referral and any details which describe the areas of difficulty.
- A referral made by a professional staff member of your child's school, a licensed physician, or either a commissioner or designee of a public agency, must include the following:
  - —the reason for believing that an educational handicap exists;
  - —any test results, records or reports upon which the referral is based;
  - —a description of the attempts to remediate your child's performance prior to the referral or a statement of the reasons why no such attempts were made; and
  - —a description of the extent of parental contact or involvement prior to the referral.

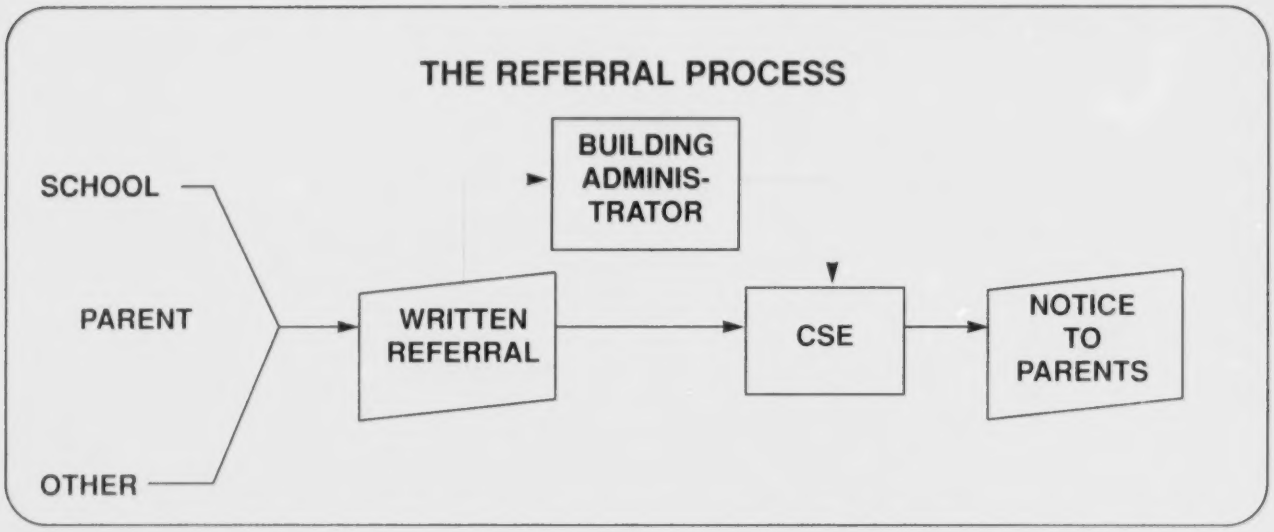
HOW IS A REFERRAL SUBMITTED?

The written referral can be sent to the building administrator of the child's school or to the chairperson of the Committee on Special Education.

- If the chairperson first receives the referral, he or she must immediately notify the parents that a referral has been received and that evaluative information is being sought regarding the child. A copy of the referral is sent to the building administrator within five school days.
- If the building administrator first receives the referral, he or she must forward it immediately to the chairperson of the CSE. The chairperson must notify the parents immediately and send a copy of the referral to the building administrator within five school days.

BUILDING ADMINISTRATOR'S ROLE IN THE REFERRAL PROCESS

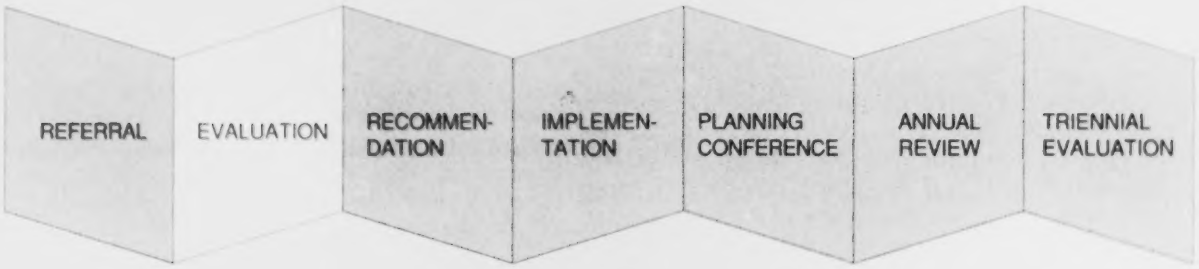
The building administrator may request a meeting with the parents to determine if their child would benefit from alternatives to special education. At the meeting, various services that are available as part of regular education will be discussed. If you, as parents, and the building



administrator decide to utilize an alternative to special education, the referral to the CSE may be withdrawn. This is done through a written agreement between you and the building administrator. Until a written agreement is received, the CSE will proceed with the procedures and timelines as required in the regulations whenever a student is referred to the CSE.

☑ PARENTAL ASSURANCES IN THE REFERRAL PROCESS

If your child is referred to the Committee on Special Education, you are notified in writing. The notice will inform you that evaluative information is needed for your child. It will include your due process rights including the reason for referral, a description of the proposed evaluation, and will ask for your consent to evaluate your child. It will also provide information including your right to disagree with the CSE, to request an impartial hearing, to have your child stay in the current educational placement until disagreements are resolved, to receive free or low cost legal aid, and to receive an award for attorneys' fees for special educational dispute in which you prevail. This information may seem extensive and, at times, highly technical. It is not intended to be confusing or frightening, however, it is required by Federal law and is intended to protect your rights. It ensures that you are fully informed of what will occur, why it is occurring, and what you can do to help.



STEP 2

Evaluation: Collecting Information Through Tests

WHAT IS THE PURPOSE OF EVALUATION?

Following a referral to the CSE, and with parental permission, an individual evaluation is conducted. This means that formal tests, observations and informal assessment take place to discover the factors affecting your child's school performance. The results help to determine if special education is needed. They also help to determine whether factors unrelated to handicapping conditions are affecting performance. Evaluation results provide information that is useful for determining or modifying your child's program, if needed.

WHY IS PARENTAL CONSENT NECESSARY FOR EVALUATION?

Request for consent should not be misinterpreted as a decision that your child has a handicapping condition. Rather, it is a means of providing you with information, assuring that you have full knowledge of school actions and involving you in the decision making process. It is important that you have a full understanding of the reasons for an individual evaluation so that you feel comfortable with the decisions that you make.

If you have questions about the purpose or type of evaluation proposed, or if you do not want your child evaluated, you may request an informal conference. This conference may be held with the Committee, other professionals familiar with the proposed evaluation, the person who referred the pupil, and counsel or an advisor of your choice. The conference may ease your concerns about the proposed evaluation. Such meetings may also result in an agreement between the referring party and the parents to withdraw the referral. At age 18, your son or daughter becomes responsible for making the decision to give consent or not to consent to an evaluation. If you feel that, due to a handicapping condition, your son or daughter is not able to give informed consent, you can secure guardianship through either a surrogate court action, if your child's handicapping condition is mental retardation, or through State Supreme Court or a County Court for other handicapping conditions. If agreement to either evaluate or withdraw the referral cannot be reached, your child's school is required to initiate an impartial hearing to resolve the issue.

WHAT IS INCLUDED IN THE EVALUATION?

The evaluation is conducted on an individual basis and must be a comprehensive assessment of the student's skills and abilities. The evaluation must include a physical examination, an individual psychological evaluation, a social history, an observation of the student in the classroom, and appropriate educational evaluations and assessments relating to the areas of the suspected disability. For students with limited English proficiency, a bilingual assessment must also be done. The results are used to determine if your child has a handicapping condition and what your child's strengths, weaknesses and individual needs are. For a child who is being placed in special education for the first time, the evaluation will lead to the development of an IEP. If your child has been in special education before, the evaluation may also be used as a way to modify the student's current program.

WHO CONDUCTS THE EVALUATION?

The evaluation must be conducted by more than one person in order to provide a comprehensive assessment. By using a team approach, information in key areas can be gathered in several ways. Depending on the kinds of learning problems that have been experienced by a student, school psychologists, physicians, teachers, speech therapists, social workers, educational evaluators and others may be involved to gather information in areas regarding academic achievement, learning characteristics, social development, physical development, and management needs. The focus of the total assessment is on student strengths and weaknesses and their effect on educational performance.

HOW AND WHEN DOES THE EVALUATION OCCUR?

The evaluation must be completed within 30 school days from the time of consent or within 40 school days of receipt of referral, whichever is earlier. The timeline is required so that the student is provided with an appropriate program as soon as possible. Open communications between home and school will prevent unnecessary delays. Questions that arise or information that is unclear should be clarified as soon as possible. If a specific situation prevents timelines from being met, the reasons should be documented for future reference.

After parental consent is given, the Committee on Special Education begins the evaluation as described in the notice. The Committee is responsible for making all the arrangements. As a parent, you have the right to bring or send additional information about your child to the Committee. This information must be considered by the Committee in its recommendations. When all the information about your child has been gathered, the Committee, with your involvement, will begin developing its recommendations.

The following table provides an overview of the types of evaluations and the persons who may be responsible for completing these tests. The types of evaluations given in your district are included as part of the notice about referral and proposed evaluation. All evaluation techniques must be appropriate for culturally and linguistically diverse students. If needed, interpreters for the deaf and translators are to be used to ensure valid results.

COMPONENTS OF A COMPREHENSIVE EVALUATION

TYPE OF EVALUATION	AREAS THAT MAY BE ASSESSED	STAFF WHO MIGHT CONDUCT EVALUATIONS
Physical Examination	Sight, hearing, physical development, medical needs, and physical factors which affect school progress.	School physician Nurse practitioner Physician's assistant
Individual Psychological Evaluation	General intelligence, learning strengths and weaknesses, instructional needs, social interactions and relationships.	School psychologist
Social History	Social development, current social interactions; factors within home, school and community which may contribute to student's difficulties.	School social worker School counselor School psychologist School administrator School nurse
Observation in the Classroom	Performance in the current educational setting, relationships to teachers and other students, learning styles, and attention span.	School administrator Teacher Reading specialist Guidance counselor CSE member School psychologist
Appropriate Educational Evaluations	Educational achievement, learning strengths and weaknesses; and academic needs.	Teachers Reading specialist Guidance counselors
Assessments in all areas relating to the suspected disability	A specific disability related to health, vision, hearing, social-emotional development, general intelligence, communication skills, motor abilities, and academic performance.	School nurse Speech therapist Audiologist Physical therapist Occupational therapist Specialist with knowledge in area of suspected disability
Vocational Assessment	Possible areas of future employment; work-related skills, interests.	Counselors Psychologists Work-site evaluators Vocational counselors

INDEPENDENT EVALUATION

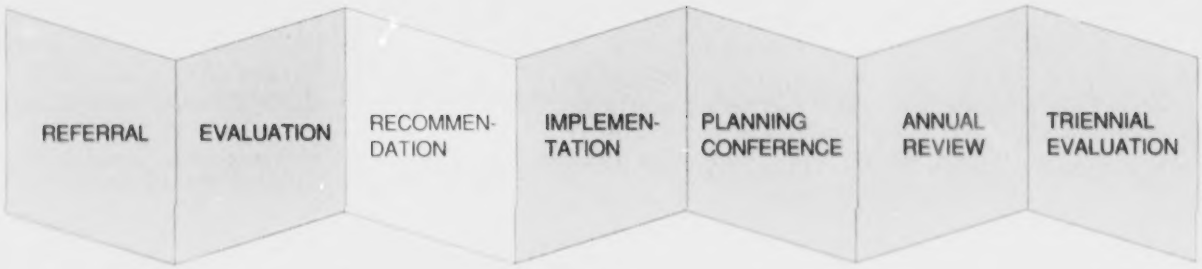
Parents and districts work together to ensure that the evaluation is comprehensive and useful in decisions about each child's education. However, you, as the child's parent, may decide that the evaluation conducted by the Committee on Special Education is not appropriate, or you may disagree with the results of the evaluation. In these instances, you have the right to obtain an independent evaluation. The chairperson of the CSE should be informed of your concerns about existing evaluations when you request an independent evaluation. This will provide the CSE with an opportunity to consider your child's need for additional evaluations. Upon request, you will be provided with the names, addresses, and telephone numbers of public and private agencies or professional resources where an independent evaluation may be obtained.

The independent evaluation will be conducted at public expense unless the school district initiates an impartial hearing to show that its evaluation is appropriate. If the impartial hearing officer determines that the district's evaluation is appropriate, you may still obtain an independent evaluation but the school district will not be responsible for the expense. In summary, you may obtain an independent evaluation at any time, but, if the district chooses, it may contest evaluation payment at public expense.

✔ PARENTAL ASSURANCES

Throughout the evaluation process, parents receive many assurances from the school district. You should expect:

- Prior notification of the need to evaluate, a description of the proposed evaluation and its intended purpose
- The opportunity for consent, to withhold consent, or to request an informal conference, with regard to an initial evaluation
- That more than one specialist will be involved in the evaluation, including at least one teacher or other specialist with knowledge in the area of the suspected disability
- Appropriate methods for assessing various skills of children with impaired sensory, manual, or speaking skills will be used. The method of testing should not interfere with demonstrating skills or knowledge.
- Assessment of your child in all areas related to the suspected disability
- Nonbiased tests administered in your child's dominant language or other mode of communication
- Tests are administered by trained personnel
- Tests that are appropriate for analyzing the suspected problem
- The opportunity to provide information for the evaluation
- A complete evaluation and recommendation within 30 school days from the time of your consent
- Information on specific areas of educational need in addition to general intelligence quotient (IQ)
- Upon request, lists of resources where independent evaluations can be obtained will be provided to you.
- Protection of your child's confidential records. School districts must follow the requirements mandated through the Federal law protecting the privacy rights of parents and students. You have the right to review your child's records and make copies at a reasonable cost.
- Information provided to you in your dominant language or mode of communication
- Description of your due process rights, which include the right to obtain a hearing, to appeal the decision, to obtain free or low cost legal assistance, to have your child stay in the current placement, and to obtain attorneys' fees for special education disputes in which you prevail.



STEP 3

Recommendation: Suggesting Solutions to Address Children's Needs

WHAT IS THE RECOMMENDATION?

The recommendation is a written statement developed by the Committee on Special Education (CSE) that addresses whether or not a child requires special education. As a parent, you are invited and encouraged to participate in developing the recommendation with the CSE.

Based on the results of the comprehensive evaluation and other pertinent information about the child, members of the CSE, you, the parents, and other invited persons meet to decide what the recommendation will be. If your child does not require special education, the CSE will forward copies of the recommendation to you, the building administrator, and the Board of Education. It will state the CSE's findings and may recommend that other educational services, such as speech and language improvement services, be considered. The building administrator will determine what, if any, educationally related support services should be provided to your child.

If your child does require special education, the recommendation will identify the handicapping condition, describe your child's strengths and areas of need, list goals that your child should reach in a year's time, and identify the types of programs and services, including regular education, that your child will receive. All of this information will be included on your child's Phase I Individualized Education Program (IEP). Copies of the IEP are sent to the Board of Education for approval. You will also be sent a copy of the IEP for your records.

WHO IS INVOLVED IN DEVELOPING THE RECOMMENDATION FOR YOUR CHILD?

People knowledgeable about education and instruction for your child will be involved in the recommendation process. Their participation may occur in meetings, through written reports, informal conferences or by telephone. The Committee on Special Education must review evaluation data to develop an appropriate recommendation. The following list highlights those most often involved in developing recommendations for students referred to the Committee on Special Education:

- **Parents of the student** — As a parent or legal guardian, your participation is extremely important. Your ability to provide additional information, attend meetings and offer opinions about the recommendation will be important for decisions regarding your child's program.
- **The Student** — If appropriate, a student may attend CSE meetings to develop the recommendation. While careful consideration should be given beforehand as to whether it would be appropriate for your child to attend, at the secondary level, it may be important for the student to participate in the program development.
- **Committee on Special Education** — The mandated members of the CSE include a teacher or administrator of special education, a school psychologist, a parent who has a child with a handicapping condition and who lives in the district, and a physician. The physician is not required to attend each CSE meeting; the physician is only required to attend if requested by the other members of the CSE or by the parent at least 72 hours before the meeting. Members of the Committee on Special Education meet to review evaluation reports and develop a recommendation. All mandated members must attend, including the physician if his or her presence is requested. In addition to mandated Committee members, the Board of Education may have appointed other persons to serve on the Committee. The participation of all members provides a wide range of viewpoints and expertise.
- **The Teacher** — The student's teacher must attend meetings when the recommendation is being developed. The participation of the teacher provides the CSE with firsthand knowledge of the student's strengths and weaknesses in the school environment. For initial placement in special education, the teacher may be the current regular education teacher or a teacher qualified to provide special education in the

area of the student's suspected disability. For a student already receiving special education, the teacher would be the professional providing the special education program. If the child is not in school, the district may designate which teacher should attend.

- **Representatives from other agencies** — If it is anticipated that the student will attend an agency or school outside his or her home school district, or if the student resides in a facility operated by a State department or agency, a representative of that agency or school is given the opportunity to participate in the process.

- **Other school personnel** — Other persons designated by the school may attend CSE meetings. Such persons may include related service providers, school nurses, administrators, guidance counselors, or other appropriate teachers.

- **Other persons invited by the parents** — You may invite others to accompany you to CSE meetings. These persons may be helpful in presenting information, providing support during the meeting, and assisting in the decision-making process. Such people could be parent advocates, friends, family case workers, clergy, specialists knowledgeable about your child, or any other person you think may be helpful to you at the meeting.

HOW AND WHEN IS THE RECOMMENDATION MADE?

The Committee on Special Education must develop an initial recommendation within 30 school days of parental consent to evaluate or within 40 school days of receipt of referral, whichever is earlier.

In formulating its recommendation, the Committee on Special Education, you, the parents and others will discuss the evaluation and any additional information that has been submitted. The first thing they will decide is if the student has a handicapping condition that adversely affects his or her educational performance.

The following list describes, in general terms, the classifications used in specifying a student's handicapping condition. More exact definitions can be found in Section 200.1(cc) of the Regulations of the Commissioner of Education.

CLASSIFICATIONS	CHARACTERISTICS OF THE HANDICAPPING CONDITION
Autistic	Autism is a behaviorally defined syndrome which may occur in children of all levels of intelligence. There is usually difficulty responding to people, events and objects. Responses to sensations of light, sound and feeling may be exaggerated and delayed speech and language skills may be demonstrated. These difficulties are usually observed before two and one-half years of age.
Emotionally Disturbed	Such students have difficulties in school that cannot be explained by intellectual, sensory or health factors. Over a long period of time, the student is usually unable to build satisfactory relationships, may be generally unhappy, may develop physical symptoms or have fears associated with his or her school experience, or have personal problems that interfere with his or her learning.
Learning Disabled	These students have a psychological processing disorder that causes them to have a problem in understanding or using language. A child who is learning disabled has difficulty listening, thinking, speaking, reading, writing, or doing arithmetic. This child is learning at only about half or less than half of the level expected for him or her. A learning disability is not primarily due to a physical, mental, or emotional handicap or to environmental, cultural, or economic reasons.

continued on next page

CLASSIFICATIONS	CHARACTERISTICS OF THE HANDICAPPING CONDITION
Mentally Retarded	These students have a general intellectual functioning level that is 1.5 or more standard deviations below the general population. This is determined by a comprehensive evaluation, which includes an individual psychological evaluation.
Deaf	A student who is deaf has a loss of hearing so severe that it prevents processing linguistic information through hearing. The severity of this hearing loss usually necessitates the use of specialized training, through an alternative means of communication or use of speech sounds.
Hard of Hearing	A student in this category has a hearing impairment which adversely affects his or her educational performance. The hearing loss may not be permanent. He or she may have difficulty following instructions or have difficulty in other areas relating to the hearing loss; they may have problems discriminating speech sounds, or have speech and/or language difficulties, as well as frequent middle ear infections.
Speech Impaired	These students have a communication disorder such as stuttering, an inability to correctly produce speech sounds, a language impairment, or a voice disorder.
Visually Impaired	Such students may be partially sighted or blind. The visual handicap, even with correction, adversely affects their educational performance.
Orthopedically Impaired	Students in this classification are physically handicapped and have a severe orthopedic impairment which adversely affects their educational performance. The term includes impairments caused by congenital anomalies, impairments caused by disease, and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).
Other Health Impaired	Some students have limited strength, vitality, or alertness due to chronic or acute health problems which adversely affect their educational performance. These problems may include a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, tourette syndrome, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.
Multiply Handicapped	Some students have two or more handicapping conditions that result in multisensory or motor deficiencies and developmental lags in the cognitive, affective, or psychomotor areas. The combination of these conditions causes educational problems which may only be met through a special education program designed to assist each disability.

The above classifications help the CSE to decide if a student is ineligible or eligible for special education programs.

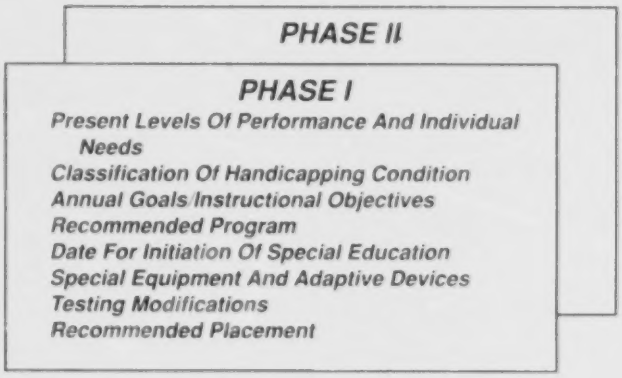
Ineligible — If the CSE decides that your child is not eligible for special education, it means that they do not think that your child's educational difficulties are the result of a handicapping condition which adversely affects educational performance. The Committee will send a copy of appropriate evaluation results to the principal of your child's school. This information is used to establish or coordinate other types of programs for him or her within regular education. The CSE will also notify you, the parents, and submit its recommendation to the Board of Education. The reasons for the decision will be included. After receiving their recommendation, you may have questions or may not agree with their decision. You should contact the CSE chairperson to discuss your questions or concerns. If agreement cannot be reached, you may request an impartial hearing. In most cases, when you are involved throughout the process, the recommendation of the CSE should not be surprising and minor disagreements can be easily resolved. Alternatives, such as educationally related support services or speech and language improvement services, may be recommended to assist your child.

Eligible — If the CSE decides that your child is eligible for special education, the CSE will meet with you in order to develop a Phase I recommendation. This plan will describe your child's special and regular education program in detail. You will be requested to give consent for that program. You have the right to agree or disagree with the recommendation. In any event, the recommendation cannot be implemented without your approval if the student is being placed in a special education program for the first time. If you do not agree, the disagreement will need to be resolved through either informal or formal means. (These means are described later.)

PREPARING THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

The **Individualized Education Program (IEP)** is extremely important because it is the basis for instruction. It is used to document and review progress toward meeting student needs. The IEP summarizes a child's current skills and abilities, establishes educational goals and objectives for the school year, describes programs designed to meet these goals, and lists ways to periodically check the student's progress. School districts develop their own IEP forms, but the content is specified by regulation. In New York State, the Individualized Education Program is divided into two phases. The first phase is developed at a Committee on Special Education meeting and the second phase is developed at a planning conference with the teacher. Parent involvement is important during both phases.

The following information is included in your child's **Phase I IEP.** As a parent, there is much you can add to the discussion of the IEP. You have firsthand knowledge of your child's abilities. Sharing this information is an important contribution.



- **Present Levels of Performance and Individual Needs**

The CSE determines individual needs based on present performance in school and the evaluation results. Performance levels and needs are indicated in the areas of academic achievement and learning characteristics, social development, physical development, and management needs. This information provides an overview of functioning, potential, preferences, strengths, and weaknesses. It also provides data which help in grouping your child and other students with similar needs.

- **Classification of Handicapping Condition**

The CSE determines the classification by analyzing test results and observations in comparison to New York State definitions. These classifications are used to determine eligibility for special education.

- **Annual Goals/Instructional Objectives**

Annual goals describe what the student is expected to accomplish in a year's time. The goals correspond to the student's academic, social, physical development, and management needs. For students entering special education for the first time, instructional objectives and evaluative criteria are developed at the CSE meeting for use during the first 30 school days of instruction.

- **Recommended Program Including the Extent of Participation in Regular Education and Class Size**

Each school district must offer a variety of programs and services to meet the differing needs of students with handicapping conditions. This is often called providing a

continuum of services. Fiscal or staffing problems do not determine the type of service or program availability. A range of programs must be provided to allow equal opportunity for instruction in the least restrictive environment.

The components of the continuum can be selected and recommended in whatever combination is appropriate for the individual student and his or her needs. An expanded description of the continuum that should be available to your child follows.

CONTINUUM OF SERVICES

Regular Education Classes and Services

Students who are identified as having a handicapping condition may attend regular education classes and services. Attending programs in regular education is sometimes called mainstreaming. This means that a particular class or service in regular education is appropriate to the student's needs. For example, your child's abilities in math may be appropriate for instruction in regular education. However, this class may be part of a total program that includes other services in special education. Implementation of least restrictive environment ensures that this type of programming is provided when appropriate and is indicated on the IEP. Occupational education should be considered in planning your child's educational program.

Many support services are also available through regular education. These programs are provided to both students with handicapping conditions and nonhandicapped students to provide additional assistance in school-related areas. The intent of the services is to provide assistance to students within the regular education setting. This allows for early intervention and increases the availability of support services in regular education prior to a possible referral to special education.

Two such services are called educationally related support services (ERSS), and speech and language improvement services. Educationally related support services are intended for students who need short-term counseling but who are not eligible for special education. Speech and language improvement services are available to students in grades K-6 who have mild speech problems that require assistance but do not require special education services.

Other types of programs available to certain eligible students with handicapping conditions are English as a second language or bilingual education programs. If the results of the evaluation indicate a need for such programs in addition to the special education program, it must be specified on the IEP.

Declassification Support Services

Declassification support services are services provided to students and the students' teachers to assist the students when they are ready to move from special education programs and services to full-time regular education.

The services that may be offered to the student include psychological services, social work services, noncareer counseling, and other appropriate support services. In addition, services may be provided to the students' teachers in regular education in order to assist the student. The CSE, upon recommending that a student be declassified, defines what type of services, if any, the student needs as well as the duration of the services during the first year the student moves into full-time regular education.

Transitional Support Services

Transitional support services, such as consultation and/or training, may be provided to staff who work with students with handicapping conditions as they move into a less restrictive setting. Although transitional support services are provided to the student's teacher(s), the benefit extends to the student. Transitional support prepares the way for change and assists in providing a supportive environment.

Related Services

Related services are provided in conjunction with academic classes to assist students with handicapping conditions in their total education program. A related service differs from special class, regular class or resource room in that the goals and objectives of the service deal with knowledge and skills not typically included in subject area curriculum. These special skills are nonetheless needed for the student to benefit from classroom instruction. Related services include speech therapy, audiology, psychological services, physical therapy, occupational therapy, counseling services, and other support services. Appropriate specialists provide these services based upon the student's individual needs as specified in the IEP. Type, frequency and duration of service is included on the IEP.

Consultant Teacher Services

Consultant teacher services allow students with handicapping conditions to stay in a full-time regular education program and still receive help from a special education teacher. This service allows school districts to provide direct and indirect services to pupils with handicapping conditions who are enrolled in a full-time regular education program.

Direct consultant teacher services are specially designed individualized or group instruction provided by a special education teacher to a pupil in a regular educa-

tion class. The instruction is designed to assist the student in benefitting from the regular education program.

Indirect consultant teacher services provide consultant services to regular education teachers to help them adjust the learning environment or modify instruction to meet the needs of students with handicapping conditions in their classes.

Each student with a handicapping condition who requires consultant teacher services must receive direct and/or indirect services consistent with the student's Individualized Education Program for a minimum of two hours each week. In addition, the total number of pupils assigned to a consultant teacher cannot exceed 20.

Resource Room Instruction

A resource room program provides specialized supplementary instruction in an individual or small group setting. Supplemental instruction through the resource room program must be provided for a minimum of three hours of the school week. The resource room program may supplement instruction in regular or special education classes for up to fifty percent of the instructional day. Instructional groups in the resource room cannot be larger than five and must be composed of students with similar academic, social, physical, and management needs. The resource room teacher, in cooperation with classroom teachers, provides instruction to maintain or improve academic performance in other areas. Each student with a handicapping condition who requires resource room must receive a minimum of three hours per week. The amount of time, the frequency and the type of instruction is indicated on the IEP. Since a resource room is supplemental to the student's regular or special education program, such instruction is noncredit bearing. Credit is earned only in the classes that the resource room is supplementing. In addition, the total number of pupils assigned to a resource room teacher cannot exceed 20.

Special Class Instruction

Special class instruction, if needed, must be provided on a daily basis as indicated in the IEP. There are four class size options for special class recommendations:

a) 12 students with one teacher
b) 12 students with one teacher and one paraprofessional
c) 6 students with one teacher and one paraprofessional
d) 12 students with one teacher and an additional adult for every 3 students in the class.

Students must be grouped together for special class instruction based on similar individual needs. They may have the same handicapping condition or differing handicapping conditions, but their individual instructional needs must be similar. Grouping by needs is based on levels of academic or educational achievement and learning rate, levels of physical and social development, and the management needs of the students in the classroom. Students are generally grouped within a three-year math and reading range. For students in class options listed above as a) and b), a written description of classes with a wider range is required. This information is discussed with you and included in the written notification from the CSE.

- **Projected Date for Initiation and Amount of Time of Special Education and Related Services**
  This section of the IEP includes the date that the recommended program is expected to begin and how often services will be given. The frequency and duration of services included on the IEP can not be altered at the building level without CSE review.
- **Specialized Equipment and Adaptive Devices**
  Modifications within the student's environment may be recommended on the IEP if required for the student to benefit from the program. This might include desk or chair adaptations, braille materials, auditory equipment, typewriter, slant boards, or other such devices.
- **Testing Modifications**
  Testing modifications are provided to students with handicapping conditions to give equal opportunity for demonstrating acquired skills that may otherwise be impeded by the manner of testing. Alternative testing techniques should be implemented consistently throughout the student's total educational program. The needed techniques are determined by the CSE and must be on the IEP. The school principal ensures that testing modifications which are indicated on the IEP are used consistently on statewide tests and examinations. Examples of alternative testing techniques include flexible scheduling, flexible setting, revised test format, revised test directions, or the use of special equipment and proctor assistance. The types of modifications allowable differ depending on the statewide test being administered. Consult your CSE at the annual review to determine what types of modifications may be needed for your child.
- **Recommended Placement**
  Individualized Education Programs are provided in various types of settings or placements. **Placement** is the location that has been determined to be the least restrictive environment for a given student. The following are examples of types of placements:
  — **Local Public School District** — often provides all or several types of special education programs. The size of the district and the number of students with handicapping conditions usually determine the range of special education programs offered by individual districts. Districts, although still respon-

sible for each student identified as having a handicapping condition, may contract with other districts or agencies to obtain necessary programs and services for their students.

— **Neighboring Public School District** — as mentioned above, some special education services are not offered in every district. The local public school may arrange for participation in necessary programs and services in neighboring districts if nothing comparable can be provided within your district of residence.

— **Boards of Cooperative Educational Services (BOCES)** — provide a variety of occupational, academic and special educational programs and services. Local public schools may contract with BOCES to provide programs or services not offered in the local school district. BOCES-supervised programs may be located in a central BOCES facility and/or may be housed in local public schools.

— **Home/Hospital Settings** — Some students with handicapping conditions need temporary instruction at home or in a hospital setting due to severe illness or special circumstances indicated on the IEP. Instruction must be for a minimum of 5 hours per week at the elementary level and 10 hours per week at the secondary level. The instructional program provided, as with any student with a handicapping condition, should be appropriate for the student's needs and revised as necessary.

— **Private Approved Schools** — Some students with handicapping conditions cannot be served in public schools and, therefore, must be provided programs within private schools. School districts may place such students in private schools, Special Act schools, or Children's Residential Project programs which have been approved by the State Education Department and meet the student's specific needs. These schools may be located in-state or out-of-state and may have day and/or residential components.

— **State-operated and State-supported Schools for the Deaf, Blind and Severely Emotionally Disturbed** —These schools are available for students with educational needs that require a placement in a school with a special focus. Some of these schools offer both day and residential programs. Others offer only day programs. Placement in these schools is made by the Commissioner of Education upon recommendation of the district CSE for those children attending a State-supported school or the multidisciplinary team for children attending a State-operated school.

The CSE will recommend the appropriate program and location based on consideration of **student needs in the least restrictive environment.** This means that the CSE must consider the program's proximity to the child's home, the involvement of nonhandicapped peers, and the appropriateness of the program based on the student's needs. Districts are encouraged to assist you, the parents, in identifying resources of other agencies in the community to provide support and help maintain children in their communities. Residential placements for educational reasons should be considered only after all community resources have been explored.

If the CSE recommends a placement in a school which uses psychotropic drugs, that school **must** have a written policy pertaining to the use of the drugs. Psychotropic medications are those drugs intended to modify behavior by altering a person's mood. This policy must be shared with parents at the time of the recommendation. If the recommendation is not acceptable, you may appeal it.

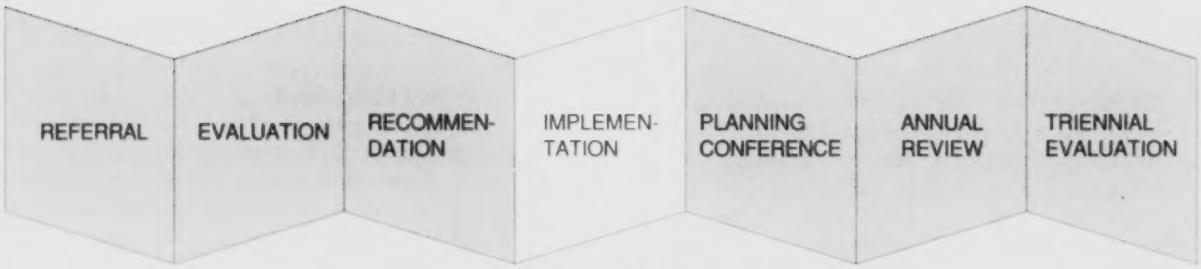
WHEN IS THE RECOMMENDATION MADE?

The Committee on Special Education must notify you regarding recommendation within 30 school days after initial consent is received or 40 school days from receipt of referral, whichever is earlier.

✔ PARENTAL ASSURANCES

During the recommendation step, your involvement continues to be important. Your opportunity for involvement is assured through:

- The receipt of a notice of the meeting to develop this recommendation. This notice contains due process rights, which include your right to:
  - — attend the meeting;
  - — request the physician's attendance;
  - — bring others to the meeting;
  - — receive a list of low-cost legal services;
  - — be advised that, as parents, you may be able to obtain reimbursement for attorney's fees in special education disputes; and
  - — have your child stay in the current educational placement during formal proceedings.
- The opportunity to participate in other ways if you are unable to attend (telephone call, written report, etc.).
- The opportunity for you to submit additional information for consideration and make suggestions for the IEP.
- Your right to provide or withhold consent for the recommendation for initial placement in special education based on your knowledge and judgement of your child's needs.
- The opportunity for information to be provided in your dominant language or mode of communication.



STEP 4

Implementation: Arranging for Programs and Services

WHAT IS IMPLEMENTATION?

Implementation occurs when arrangements are made to put into place the specific recommendations which are described in the child's IEP. It is the responsibility of the CSE and the school district to make these arrangements. If your child is being placed in special education for the first time, as parents, you will be asked to give your consent to the CSE recommendations. A request for consent will accompany the notice of recommendation sent to you by the CSE. If you give consent and if the Board of Education approves the CSE recommendation, arrangements are made which initiate programs and services described on the IEP. Arranging for programs and services may take up to thirty school days, but must not take longer. Your prompt response to the recommendation helps to keep the process within the legal timelines.

During implementation, the CSE will coordinate scheduling, transportation, assignments for staff, and any special arrangements for your child's program. Any arrangements which change or add to your child's program must be described by the CSE on the IEP.

WHO IS INVOLVED?

The people involved in making arrangements depends upon the types of programs and services recommended. In general, those commonly involved during the implementation include:

- **Parents**. Your consent to an initial placement is required before your child's program can be provided. It is important that you are fully informed about the program, have had an opportunity to discuss the program with the Committee on Special Education and are in agreement that it is appropriate for your child's individual needs. You are the one person who has been involved in the process from the beginning. You will continue to be the constant factor. Your continued involvement with the school ensures that the IEP is carried out as agreed.
- **Student**. Changes in the school program may affect your son or daughter in some way. Support and preparation of students as they move into their new programs help their readiness and acceptance.
- **Committee on Special Education.** The Committee on Special Education is responsible for arrangements necessary to implement the program. The CSE also submits the recommendation for Board of Education approval and coordinates subsequent planning for recommended instruction.
- **Building Administrators**. Administrators in the school are responsible for coordinating the details of scheduling. They manage the special education programs, supervise personnel who provide instruction, oversee the provision of alternative testing techniques, facilitate home-school communication, and provide support to students, teachers and parents.
- **Transportation Personnel**. If transportation arrangements are necessary, transportation staff are involved in scheduling changes to accommodate the student's program and placement. Special transportation, as indicated on your child's IEP, is also arranged during this period.
- **Representatives from other Agencies**. If your child's program involves other agencies, representatives of those agencies or schools are involved with the details for program implementation. Coordination with representatives of other facilities assures that the student receives designated services.

WHEN AND HOW DOES IMPLEMENTATION OCCUR?

The student's program must be provided within 30 school days after the receipt of the recommendation of the Committee on Special Education by the Board of Education. Implementation occurs through the cooperative efforts of all involved in initiating programs and services. An organized process helps this step to go smoothly and effectively.

WHAT SHOULD A PARENT CONSIDER DURING IMPLEMENTATION OF THE INDIVIDUALIZED EDUCATION PROGRAM?

When a student is placed into the recommended program, the IEP becomes the working tool for providing the education in the appropriate setting. It is used as a plan and as a measure of the effectiveness of the program. To address a student's specific needs, certain factors within elementary and secondary education are important to consider during initial implementation and during continuation of the program. These factors influence the implementation of your child's special education program and should be clarified to your satisfaction by the CSE. The following chart will be of assistance in understanding what needs to be considered when implementing your child's IEP.

EDUCATIONAL CONSIDERATIONS

FACTORS	REASONS FOR CONSIDERATION
Curriculum	For the most part, curriculum content taught in special education should be equivalent to the content in regular education. This is true on both the elementary and secondary level. Most students with handicapping conditions are able to accomplish the goals and objectives of this curriculum. Special education is designed to modify or adapt teaching materials and strategies so this can occur. Children with severe handicapping conditions will be provided with specialized curriculum to the extent needed to meet their unique needs.
Grouping by Similarity of Need	Students are often grouped together in special education for instruction. When this takes place, the curriculum and instruction provided to the group must be consistent with the individual needs of each student. In accomplishing this, however, the instruction required to meet an individual's needs should not consistently detract from the instruction provided to others in the group.
Scheduling	Flexible scheduling allows student needs to be met. Special education should be coordinated with other programs and services offered during the school day. Scheduling should be carefully considered so that the student's program does not become fragmented by either uncoordinated efforts or unnecessary interruptions. Also, opportunities for the student to participate in art, music, and other special subject areas must not be denied.
Testing and Remedial Programs	Students with handicapping conditions should be provided every opportunity to participate in the testing programs that identify achievement and performance levels necessary for minimum competency in New York State. This is essential for preparing high school students with handicapping conditions. PEP, PCT and RCT tests and subsequent remediation should be administered in special education or regular education classes, whichever is appropriate. Remediation and testing experience allow easier acquisition of skills needed to attain a diploma. Exemption from testing programs is allowable for students with severe handicapping conditions but such exemption is not appropriate for most children with handicapping conditions.

FACTORS	REASONS FOR CONSIDERATION
Alternative Testing Techniques	Alternative testing techniques are modifications of testing procedures and format which provide students with handicapping conditions the opportunity to demonstrate knowledge and skills without being limited by his or her handicapping condition. The use and type of alternative testing techniques must be described on the IEP. Providing alternative testing techniques is important throughout the school program, e.g., for classroom tests and group achievement tests, such as: SAT, CAT and others. Alternative testing techniques take on particular significance when the student is taking statewide tests, such as Pupil Evaluation Program tests, Preliminary Competency Tests and Regents Competency Tests, as well as Regents Examinations. These testing alternatives may allow such students an equitable opportunity to demonstrate that they have obtained the competencies necessary to pass such tests. Passing the statewide tests are necessary in order to receive local or Regents high school diplomas.
Extracurricular Activities	Schools offer many extracurricular activities to support and supplement the basic program. Students with handicapping conditions must be provided the opportunity to participate in all school-related activities. This may range from field trips and clubs to special events after school.
Second Language Instruction	One unit of instruction in a second language is required some time during grades K-9. This requirement will increase to two units for students entering grade 9 in 1990 and thereafter. However, a student who has been determined to have a handicapping condition by the CSE may be exempted from this requirement. An exemption should be carefully considered, based on the student's ability. If the student is capable, he or she should not be denied an appropriate opportunity for instruction. If exempted, the student would be required to take three alternative credits. These credits would not have to be taken in a three unit sequence.
Computers and Adaptations	Familiarity with computer technology and operation is necessary for future preparedness and independence. Students in special classes are expected to have access to and acquire skills in computer use. Special devices and applications for students who are orthopedically or sensorially impaired should also be available, as recommended by the CSE. The use of computer technology may assist students with handicapping conditions to adapt to a wide range of situations.
Transportation	Suitable transportation must be provided to all students with handicapping conditions. Transportation recommendations indicated on the IEP are based on: — the child's ability and tolerance in transit — the need for assistance of a wheelchair lift or other adaptations — the need to be physically assisted on or off the vehicle, as well as door-to-door — the need for aides/monitors to provide individual assistance.

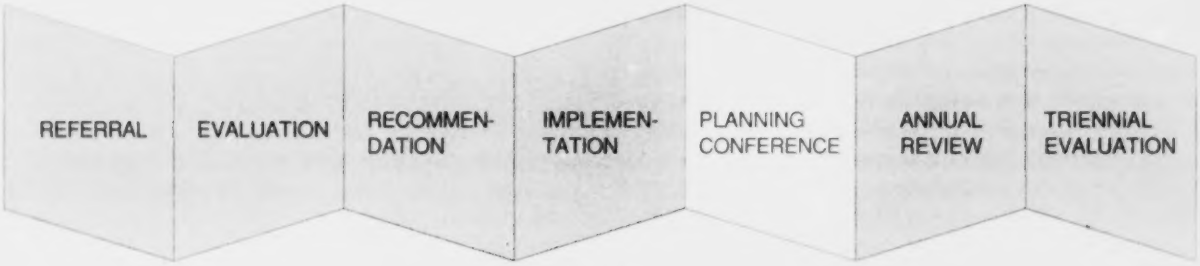
FACTORS	REASONS FOR CONSIDERATION
Conduct and Discipline/ Student Suspensions	Each school district must have in place a school conduct and discipline policy which addresses appropriate school behaviors. This policy must also address students with handicapping conditions. A school principal, if authorized by a Board of Education, may suspend a student for up to five days, but must, on request, give the student and person in parental relation the opportunity for an informal conference. A student may not be suspended by a Board of Education or superintendent of schools for more than five days without being afforded the right to a hearing. In addition, if a student with a handicapping condition violates the conduct and discipline policy, and is suspended for more than 10 consecutive days or more than the aggregate of 10 days over the school year, this will be regarded as a change of placement. In these cases, the student must be referred to the CSE for a review of the student's program and placement to determine if the behavior in question is related to the student's handicapping condition. A disciplinary action that would constitute a change in placement requires the prior involvement of the CSE and approval of the Board of Education. The parent may request a CSE meeting any time the child is suspended to discuss the appropriateness of the child's IEP.
High School Diploma	There are two types of high school diplomas available to students in New York State. Both the local and Regents diplomas require that students pass certain required tests and successfully complete specific approved, credit-bearing courses. A third type of diploma is available to students with handicapping conditions and is called the High School Individualized Education Program diploma. This diploma is discussed in the next block. Requirements: **Regents Diploma** 1) Students must complete Regents-level courses. 2) Students must successfully pass Regents examinations. **Local Diploma** 1) Students must successfully complete approved, credit-bearing courses. 2) Students must pass the Regents Competency Tests. Parents should ask about the following when their children approach junior high school: • When will my child be taking the Preliminary Competency Tests, Regents Competency Tests or Regents Examinations? • Does my child need alternative testing techniques to be able to truly demonstrate knowledge and skills? • If my child fails the Regents Competency Tests, when will the tests be given again? How can my child prepare for the next attempt? What type of remediation will be provided? • Is my child receiving credit in special or regular classes? • How many credits are needed for a diploma? • Will my child need to stay in school beyond age 18 to receive a diploma? • How can I help prepare my child for future employment opportunities? • If my child cannot achieve a Regents or a local diploma, what options are available to him or her? Asking these types of questions throughout the school years will ensure early planning and allow adequate time to complete required courses and testing.

FACTORS	REASONS FOR CONSIDERATION
High School Individualized Education Program Diploma	Students with handicapping conditions may be awarded a High School IEP diploma. This type of diploma is awarded in recognition of the successful completion of the goals on the student's IEP the year in which this diploma is awarded. A student must be awarded such a diploma at the age of 21, if the IEP goals for that year are met. A student or the student's parents may request that the district award the high school IEP diploma prior to the year the student becomes 21. This will be awarded based on school district policy. However, in all cases, the student must have completed 12 years of school, not including kindergarten, and must have successfully completed the goals in the IEP during that year. Students who receive a High School Individualized Education Program Diploma prior to age 21 are still eligible to attend school until age 21, or until receiving a Regents or local diploma.
Local Certificate	Students with handicapping conditions are also eligible for a local certificate. Some students are eligible after completing 13 years of school, excluding kindergarten. In some cases, students who function within the mentally retarded range may be awarded a certificate at age 16. The certificate is awarded based on the goals and objectives of the Individualized Education Program. The district may or may not award certificates, based on local policy. Students who receive a local certificate prior to age 21 are still eligible to attend school until age 21, or until receiving a Regents or local diploma.
High School Equivalency Programs	Students with handicapping conditions may also receive diplomas through high school equivalency preparation programs. These programs are designed to instruct students who are over compulsory school age so that they may successfully complete the General Education Development (GED) tests which are required for a high school equivalency diploma. A qualified individual who has received a high school equivalency diploma, but not a local or Regents high school diploma, remains entitled to attend the public schools in his/her district of residence without the payment of tuition, until the age of 21, or until that person has obtained a high school diploma.
Occupational Education	Courses in occupational areas provide students with skills for employment. It is very important to consider participation in such courses prior to students with handicapping conditions making the transition from school to work. Planning for these programs should begin as early as possible. Scheduling problems should not prevent student participation in appropriate courses.
12-Month Program for Students with Severe Handicapping Conditions	Students with severe handicapping conditions, who require a structured learning environment throughout the calendar year in order to maintain developmental levels, will be eligible to attend school for 12 months. If the CSE recommends and the Board of Education approves the recommendation, districts must provide 12-month programming to such students.
Extended Time in High School	All students have the option of staying in school until age 21 if they have not yet received a Regents or local diploma. If a student turns 21 on or after September 1, he or she may continue to the end of that school year. These additional years may help some students to attain a Regents or local diploma by allowing more time for preparation. Summer sessions also provide the opportunity to gain needed credits for receipt of a diploma.

☑ PARENTAL ASSURANCES

During implementation, due process rights discussed in previous sections are maintained. As parents, you may contact the CSE, request a review of the program or reconsider consent. The following due process rights are in place:

- Your consent is required before the CSE recommendation for initial placement can be implemented.
- Notice of the Board's decision regarding the CSE recommendation (Phase I IEP) must be sent to parents.
- Programs and services must be initiated within 30 school days of the recommendation unless an impartial hearing is requested by you.



STEP 5

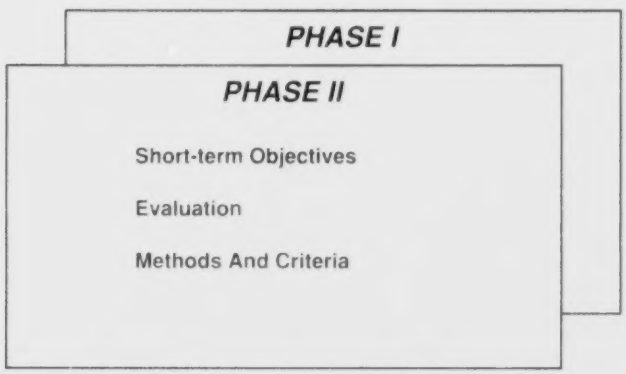
Planning Conference: Phase II of the IEP

WHAT IS THE PLANNING CONFERENCE?

If your child is eligible for special education, the first phase of the IEP is developed at the recommendation step. **Phase II** of the IEP is developed in a **planning conference** with the teacher and several others.

The planning conference is scheduled within your child's first 30 school days in the program. This gives you and the teacher the chance to observe your child's reaction to the instructional program. At the planning conference, short-term objectives and methods to evaluate objectives are developed and discussed. Phase II then becomes the teacher's guide for day-to-day instructional approaches which help to accomplish your child's annual goals. Phase I and Phase II of the IEP provide an individually designed plan that is generally formulated during Phase I and specifically enacted through Phase II. The initial planning conference begins a yearly cycle that provides the opportunity to review appropriateness of the goals and objectives for your child's educational progress.

INDIVIDUALIZED EDUCATION PROGRAM



Phase II includes:

- Statements of short-term objectives consistent with the annual goals in Phase I. These objectives describe daily, weekly or monthly activities for your child. Objectives are developed for each special education program and service.
- Evaluation procedures and criteria for determining if objectives are being met. The short-term objectives are measured in various ways to determine the effectiveness of the approach and the instructional plan. If the instructional objectives are achieved, the IEP is adjusted accordingly by referring the matter back to the CSE.

If you take advantage of the opportunity to attend the planning conference, you will help the teacher develop and discuss specific components of the instructional program.

WHO IS INVOLVED?

- **Parents**—You will receive a notice about the conference before it takes place. Your attendance at this conference is very important. It provides you with an opportunity to continue the cooperative partnership and discuss, in detail, the expectations and methods of the program.
- **Student**—If appropriate, the student may attend the planning conference. If the student is 18 or an emancipated minor, the decision to attend the meeting rests with the student. Otherwise, you may request that your child participate.
- **Student's Teacher**—The student's teacher may coordinate this conference. The teacher has a major part in implementing the IEP, ensuring that the objectives are appropriately implemented and instruction is consistent with these objectives.
- **Member of the Evaluation Team**—When a student receives special education for the first time, a person familiar with his or her evaluation is given the opportunity to attend this conference. You are thus given another opportunity to ask questions regarding evaluation and classroom performance.
- **Other Individuals**—Either you or the school may

invite additional persons to the conference. Others provide additional input for developing objectives for various classrooms.

- **Supervisor or Provider of Special Education**—A person who is qualified to supervise or provide special education attends each planning conference. This person attends in addition to the student's teacher.
- **Representative of the School District or Agency Responsible for Phase I**—Some students are placed in a school or agency apart from the district which developed Phase I of the IEP. In these cases, a representative of the district responsible for Phase I is given the opportunity to attend.

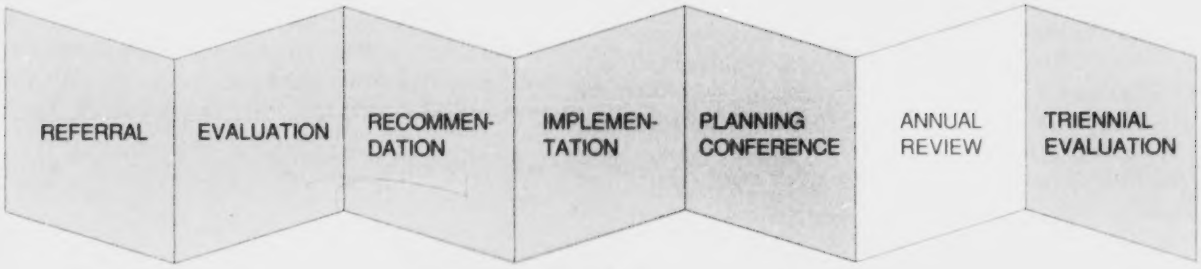
WHEN DOES THE PLANNING CONFERENCE OCCUR?

The planning conference must occur no later than 30 school days after the student begins the approved special education program. It is held at least annually thereafter to update and revise short-term objectives and evaluation methods.

☑ PARENTAL ASSURANCES

During the planning conference step, parent and student rights are maintained as described in other sections of the manual. Your additional rights relevant to the planning conference are as follows:

- A notice must be received by you or the legal guardian at least five days prior to the proposed date of the conference. The notice must state the time, location and date of the conference and the right to be accompanied by others.
- Arrangements for the meeting may be reconsidered so that you can attend. If a mutually convenient time is not possible, then you may participate in other ways, such as telephone conversations, conference calls or letters.
- If the type of program or service needs revision or change, you may request a CSE review of the IEP. The CSE then makes a recommendation which is forwarded to the Board of Education for approval.
- If a translator or interpreter for the deaf is required for the planning conference, one must be provided at no expense to you.



STEP 6

Annual Review: Updating the Program

WHAT IS THE ANNUAL REVIEW?

The annual review is a required CSE meeting to determine whether the existing program, as described on the IEP, is appropriately meeting the student's needs. During the annual review, the Committee on Special Education and others discuss yearly progress and make recommendations to continue, change or terminate the program. Based on this, the Committee will revise the IEP, as needed, and make a recommendation to the Board of Education.

WHO IS INVOLVED?

The participants in the annual review are similar to those in the initial Phase I IEP meeting.

- **Parents.** You are notified of the annual review by the CSE. Your involvement in this meeting is especially helpful to the CSE because of your knowledge about your child. At the annual review, you can provide important background information regarding your child's history and progress. You can also ensure that your opinion is considered and that important information is not omitted. Teachers and school settings change, but your concern and support remains a constant influence.
- **Student.** The participation of the student at such meetings is at the discretion of the parents. Students who are 18 or emancipated minors may choose to attend on their own behalf.
- **Committee on Special Education.** The Committee on Special Education or subcommittee conducts the annual review. The mandated members of the CSE must be in attendance. The physician's attendance must be requested at least 72 hours prior to the meeting, if his or her presence is desired.
- **Others as Invited by the Parents.** You may ask others to accompany you to the annual review.
- **Student's Teacher.** The student's teacher must attend the annual review to provide current information, convey first-hand knowledge of the student's performance, and clarify any information or questions concerning the program.
- **Representatives of Other Agencies.** If the student participates in a special education program outside of the local school district or in a facility operated by a State department or agency, a representative of that agency has the opportunity to attend the annual review.

WHEN DOES THE ANNUAL REVIEW OCCUR?

The annual review must occur every year. The projected date of the annual review is specified on Phase I of the IEP. The date of the first review must be within one year of the student's entrance into special education. However, a CSE review may be requested prior to the annual date by you, the parents, your child's teacher, or a school administrator in order to determine if a change or modification is needed. When a request for review has occurred, the Committee on Special Education must notify you of its intent to review your child's program and inform them of the date, time, and place of the meeting.

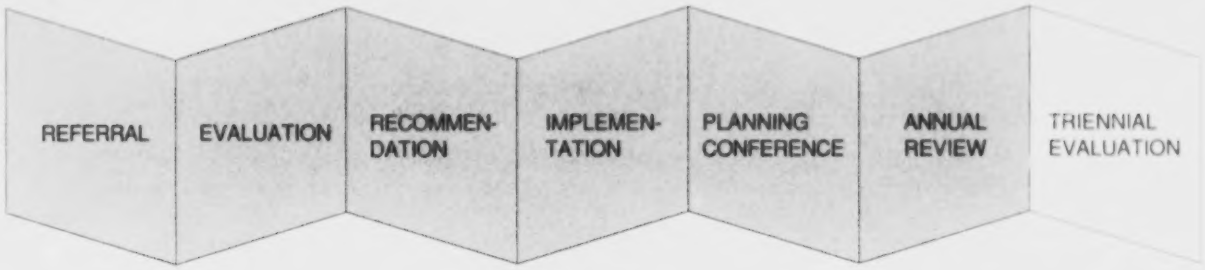
The Committee on Special Education and those attending the meeting will review your child's Individualized Education Program to determine its continued appropriateness. Consideration of whether the program continues to be in the least restrictive environment should be discussed during the annual review. Following the review, you are notified of the recommendation to continue, modify or terminate the student's program. The Board of Education will also receive the recommendation from the Committee on Special Education and make its determination regarding approval of the recommendation. It may be determined that your child's special education program has met your child's needs to the point where there is no longer a handicapping condition that adversely affects educational performance. The CSE may recommend that your child no longer requires special education. If this decision is made, it will be important to dis-

cuss the various alternatives that may be available within regular education to assist your child. Such alternatives could include remedial programs, counseling services, or continued use of alternative testing techniques. The provision for these services may need to be discussed and arranged with the building principal as your child makes a transition to regular education.

✔ PARENTAL ASSURANCES

The annual review continues the cycle for programs, services and due process rights. As a parent, you will be notified of the date and time of the annual review meeting and, if necessary, will be able to have an interpreter present. You will receive a notice that describes:

- The annual review and purpose of meeting. The notice will also include information concerning:
  - access to student records
  - the opportunity to participate in the meeting
  - the right to have others attend
  - the right to have the school physician attend
  - the right to submit evaluative information
  - due process rights (to obtain a hearing, to appeal the decision, to obtain free or low cost legal assistance, to have your child stay in the current placement, and to obtain attorneys' fees for special education disputes in which you prevail).
- The recommendation in detail made at the annual review. This will include:
  - tests or reports used to make the recommendation
  - due process rights
- Board of Education approval of the recommendation



STEP 7

Triennial Evaluation: Updating Tests and Evaluative Information

WHAT IS A TRIENNIAL EVALUATION?

A triennial evaluation occurs every **three** years to provide current assessment information on students in special education. At the triennial evaluation, updated information is provided through reexamining many of the areas previously tested in the initial evaluation. The purpose of this reexamination is to determine individual needs and continuing eligibility for special education.

WHO IS INVOLVED?

- **Physician**—provides updated information in the areas of physical, social and emotional development. The report may also include other information that is related to the student's handicapping condition.
- **School Psychologist**—provides updated information on the student's educational achievement, and social, physical, and emotional development. Many of the areas assessed during the initial evaluation are retested to provide comprehensive and current information.
- **Other Qualified Personnel**—provide input to address any outstanding concerns or questions. Additional teachers, speech therapists, social workers, guidance counselors, occupational therapists, physical therapists or vocational counselors may be involved in the triennial evaluation.
- **Committee on Special Education**—reviews and discusses the information gathered from the reexamination and makes a recommendation based upon this information.
- **Parents**—attend the meeting to discuss any new information provided by the reexamination.

WHEN DOES TRIENNIAL EVALUATION OCCUR?

The triennial evaluation should be completed every three years as long as the pupil is identified as having a handicapping condition. The triennial must be conducted more frequently if conditions warrant and if the child's parents or teacher requests an evaluation, however, no more than three years must pass between evaluations.

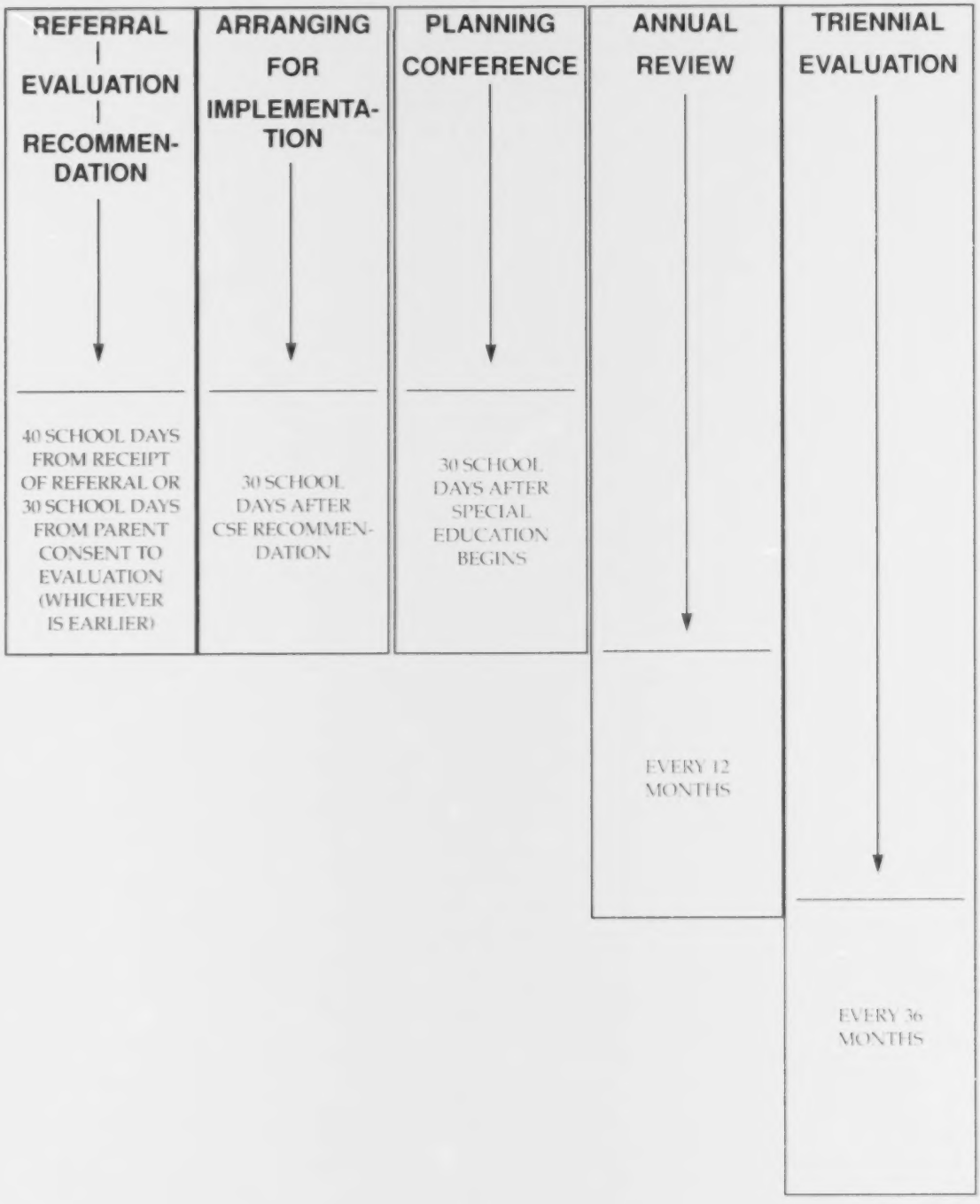
✔ PARENTAL ASSURANCES

When an individual evaluation such as the triennial evaluation is conducted, the following assurances and due process rights must be maintained for you.

- Prior notification of the need to evaluate, a description of the proposed evaluation and its intended purpose.
- The involvement of more than one specialist in the evaluation, including at least one teacher or other specialist with knowledge in the areas of the suspected disability.
- Appropriate methods for assessing various skills of children with impaired sensory, manual or speaking skills. The method of testing should not interfere with demonstrating skills or knowledge.
- Assessment conducted in all areas related to the suspected disability.
- Nonbiased tests administered in the child's dominant language or other mode of communication.
- Tests administered by trained personnel.
- Tests that are appropriate for analyzing the particular problem.
- The opportunity for you, the parent, to provide information for the evaluation.
- Information on specific areas of educational need in addition to general intelligence quotient (IQ).
- Protection of the child's confidential records. School districts must follow the requirements mandated through the Federal law protecting the privacy rights of parents and students. You have the right to review your child's records and make copies at a reasonable cost.

- The right to initiate an independent evaluation on your own, or to request it from the school district.
- Information provided to you in your dominant language or mode of communication.
- The right to disagree with the evaluation because you feel it is inappropriate.

Special Education Process



Due Process

Due process describes procedures used to protect your child's right to a free appropriate public education. Due process is an integral part of special education decision-making for your child.

The due process assurances discussed in previous sections are summarized below. They include:

- **Your Right To Be Fully Informed and Your Right To Be Knowledgeable About the Actions To Be Taken.**
  You must be fully informed of your rights, as well as adequately notified of proposed actions, their purpose, the intended results, any decisions based on the actions, and the options considered in the educational decision-making process.
- **Your Right To Participate.**
  You have the opportunity to participate in the determination of decisions through attendance at meetings and through other involvement that ensures consideration of your point of view.
- **Your Right to Consent.**
  You have the right to give or withhold consent in three situations:
  — prior to the initial evaluation of your child;
  — prior to placement of your child in special education for the first time;
  — prior to an initial placement of your child in a 12-month program.
- **Your Right To Challenge.**
  You have the right to challenge school decisions regarding your child. You have the right to request an impartial hearing, to challenge decisions or resolve differences. You have the right to enlist the support of counsel or others knowledgeable about special education throughout the hearing and to receive a list of free or low cost legal aid. You also may be able to receive reimbursement for attorneys' fees incurred in special education disputes.
- **Your Right To Appeal.**
  You have the right to appeal the decision of an impartial hearing officer to the Commissioner of Education and to seek judicial review of the Commissioner's decision regarding your appeal.

WHAT IS AN IMPARTIAL HEARING?

An impartial hearing is a formal procedure used to resolve conflict between parents and school districts over the provision of special education. You may choose formal due process procedures to challenge recommendations and decisions made by the school district. Similarly, in order to fulfill its responsibility to provide your child with a free appropriate public education, the school district must follow due process procedures under certain circumstances. The impartial hearing has been established as a mechanism to hear both sides of the issues and fairly resolve the dispute through a third party.

Whether the request for an impartial hearing is from you or the district, the Board of Education arranges for the location of the hearing and appoints a hearing officer from the State certified list. The impartial hearing officer may not be an employee of the district.

The impartial hearing is an administrative procedure that is conducted somewhat like a court proceeding. It may be conducted in a session open or closed to the public. This decision is up to you. The impartial hearing process includes:

- the provision of an interpreter for the deaf or a translator, if necessary;
- the prior exchange of documents to be used during the hearing;
- the calling of witnesses by both the school district and you to provide information and to respond to questions on the issue;
- a verbatim record of the proceedings for future reference; and
- the rendering of an impartial decision by the hearing officer.

The hearing provides both you and the school district the opportunity for presenting arguments to determine a fair resolution of the matter that is in the best interest of your child.

In order to assure that both you and the school district have no question about impartiality, the hearing officer must tell both parties at the start of the hearing about any possible conflict of interest affecting his/her impartiality in the hearing. At that time, either of you may object to that hearing officer being involved with the case any further.

WHO IS INVOLVED AT THE IMPARTIAL HEARING?

- **Impartial Hearing Officer**—The hearing officer is appointed from a list maintained by the State Education Department. Any person selected from the list must:
  1) be independent and not be employed by the school district.
  2) have no personal or professional interest that would interfere with his or her objectivity in the hearing.
  3) not have participated in any manner in the formulation of the recommendations which have led to the disagreement.
  4) be certified by the Commissioner as a hearing officer after taking an approved course and passing a test.
- **Parents**—You are involved throughout the impartial hearing process unless you choose otherwise. You may request the hearing, prepare your case, and help determine who attends the hearing. You decide whether the hearing is open or closed to the public.
- **Student**—The student, in some instances, may attend the hearing to the extent deemed appropriate by you, the parent. An 18-year-old or emancipated minor may make his or her own decision regarding requesting an impartial hearing or attending the hearing.
- **Representative for the School District**—This person represents the Board of Education at the impartial hearing. This person may be the CSE chairperson or it may be an attorney who arranges and presents the district's position at the hearing.
- **Representative for the Parents**—Parents also have the option to employ an attorney or counsel to assist them in organizing and participating in the hearing. Parents may also ask for the help of an advocate or other persons to provide representation.
- **Witnesses**—Both parties may request the presence of witnesses to provide information and respond to questions regarding the disagreement over the provision of special education. Witnesses may include teaching staff, related service and support personnel, parents, neighbors, independent evaluators, or others who have knowledge of the student.
- **Stenographer**—A stenographer may be employed to record the proceedings. The record is used to prepare a decision following the hearing. A verbatim (word for word) record of the hearing must be made and be available to you and the school district.
- **Interpreter**—The hearing officer will ask both parties about the need for an interpreter and make the necessary arrangements.

The hearing officer must conduct a fair and impartial hearing and arrive at an independent decision based upon the evidence presented at the hearing.

WHEN IS AN IMPARTIAL HEARING REQUESTED?

REQUESTS FOR IMPARTIAL HEARINGS BY PARENTS

You may request an impartial hearing at any time to protect your child's interests. Requests usually occur after informal methods to resolve the issue have been exhausted. When you decide to request an impartial hearing, it is helpful to make your written request as soon as you decide that your child's needs are not being met and the problems cannot be informally resolved. Some of the reasons for parental requests for a hearing are listed below.

- Disagreement with the recommendation of the CSE or Board of Education (BOE).
- Failure by the CSE to evaluate and recommend within 30 school days of consent.
- Failure to implement the CSE recommendation within 30 school days.
- Failure to review, at least annually, the child's program, or failure to reevaluate the child every three years.
- Disagreement with the special education provided.

IMPARTIAL HEARINGS INITIATED BY THE SCHOOL DISTRICT

The Board of Education is responsible for ensuring that a student with a handicapping condition receives a free appropriate public education. To fulfill its responsibilities in this process, the Board of Education must initiate an impartial hearing when:

- You do not consent to the initial evaluation and the referral has not been withdrawn by mutual agreement. The Board of Education must initiate an impartial hearing to obtain permission to conduct an evaluation despite the absence of parental consent to the evaluation.
- The school district challenges a parent's request for an independent evaluation at public expense.
- You do not consent to initial recommendation for special education.

WHAT OCCURS AFTER THE IMPARTIAL HEARING?

After you and the Board of Education representatives have explained your respective positions to the hearing officer, the hearing officer must write a decision. A copy

of the decision must be mailed to you and the Board of Education within 45 calendar days of the date that the Board of Education received your written request for a hearing.

The hearing officer's decision will be based on the information presented during the hearing. It will include the reasons and the basis for the decision. The decision will also inform you and the Board of Education of the right to appeal the decision to the Commissioner of Education.

APPEAL TO THE COMMISSIONER OF EDUCATION

The appeal to the Commissioner provides another level of review regarding the provision of your child's special education. Procedures for submitting an appeal are specific and must be followed exactly to avoid delay or dismissal. Although you are not required to have a lawyer, you should have detailed information on this process. This information is contained in a booklet entitled "Handbook I, Regulations of the Commissioner of Education Relating to Appeals and Other Proceedings Before the Commissioner." The booklet can be obtained by writing to:

New York State Education Department
Office of Counsel
Education Building, Room 114
Albany, New York 12234

A general overview of the appeal process and required forms are included in the Practical Handbook, Part II of this guide.

The majority of disagreements are resolved informally or through an impartial hearing. However, it is important for you to know that options are available to seek review of the issues at other levels. If all administrative procedures are utilized and you still remain dissatisfied, court action can be initiated.

ATTORNEYS' FEES

The Education of the Handicapped Act (EHA) authorizes courts to award reasonable attorneys' fees to the attorney representing the parents or guardians of students with handicapping conditions who are the prevailing parties in an administrative proceeding or other action regarding the education of a child with a handicapping condition taken pursuant to the Act.

If you, as parent or guardian, elect to use the services of an attorney and you prevail at an impartial hearing, a subsequent appeal, or in a court of law, you may be eligible to recover some or all of your attorney's fees. This determination is made by the courts.

Planning Ahead — What Comes Next

It is important to plan ahead as your child participates in his/her high school years. It is necessary to begin to think about you child's future and to plan accordingly. There are many options available to students with handicapping conditions ranging from postsecondary educational options to employment opportunities. How successfully the student transitions into these programs or into an employment situation will largely depend upon the preparation and planning received in high school.

It is most important to begin as early as possible in exploring these options and making sure that your child has had adequate high school preparation. Making arrangements for placements into colleges or jobs or other opportunities requires a great deal of preparation. Be sure to use the CSE as much as possible to assist you in finding out about the range of options available, as well as sources of assistance.

As mentioned above, an important aspect of being able to successfully transition into post-high school activities is the prior preparation students receive in their secondary educational program. For example, if it is anticipated that the student will be pursuing an employment option after high school, then it is most important to ensure that the secondary program has included an occupational education sequence. Another option may be a two-or-four year college program. In this situation, it is important that the student has been scheduled into courses that will result in the ability to attain a local or Regents diploma.

The process of transition from high school to the wide range of options available after leaving school is an important one. It will take long-range planning that occurs early in your child's secondary educational program. The following paragraphs will describe some options to consider during this planning period.

OCCUPATIONAL EDUCATION

Reason for Consideration:

Early preparation for job skills is extremely important. Participation in occupational education programs can provide important coursework and specific training for students with handicapping conditions. Occupational education teachers or administrators and vocational rehabilitation counselors are available to work closely with Committees on Special Education, students and parents to assure appropriate placement into occupational courses and sequences. Early participation in such programs provides students with handicapping conditions skills that will be helpful as these students prepare for post-high school experiences. Programs include coursework in the fields of business, agriculture, health occupations, home economics, industrial arts, marketing, technology, or trade and industry. It is also important that your child have an early vocational assessment. This information will help you understand your child's occupational strengths, weaknesses and aptitudes. In turn, this information will help you and the CSE plan the educational program. Involvement in occupational education should be a very strong consideration as you prepare to help your child find options after leaving high school.

Sources of Assistance:

BOCES, vocational and technical high schools, post-secondary trade schools, Office of Vocational and Educational Services for Individuals with Disabilities (VESID), vocational assessment centers, occupational and vocational counselors, business, industry, and the Office for General and Occupational Education in the State Education Department.

REHABILITATION SERVICES

Reason for Consideration:

Vocational rehabilitation services help persons with disabilities develop or improve capabilities leading to employment. Services are provided according to individual needs to prepare persons for employment or provide assistance in maintaining employment.

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) within the State Education Department provides vocational rehabilitation services to persons with physical, mental, emotional or learning disabilities. The Office also has responsibility for ensuring equal access to all educational programs and services provided by the Department to the public at large for all individuals with disabilities. To be eligible for vocational rehabilitation services, a person must have a disability that is a barrier to employment. In addition, there must be a good chance that the service to be provided may help the person gain employment.

The types of services provided by this Office are varied and based on individual needs. They may include diagnostic services, counseling, physical or mental restoration services, vocational training, transportation, employment

placement, tools and equipment, adaptive equipment, vehicle modification, attendant services and follow-up.

Sources of Assistance:

Office of Vocational and Educational Services for Individuals with Disabilities.

EMPLOYMENT AND INDEPENDENCE

Reason for Consideration:

Many programs offered through vocational high schools, community job service centers, Boards of Cooperative Educational Services (BOCES), district programs, and vocational rehabilitation centers provide vocational training. There are a range of opportunities for employment for persons with disabilities. These options range from independent job functioning to supportive employment to sheltered workshops. Current employment trends are most conducive to employers expanding their pool of possible employees to nontraditional workers. Many services, such as job coaches, on-site assistance and employee assistance programs, provide opportunities to maintain persons with disabilities in the work place. Rehabilitation, counseling, job training, assistance with special rehabilitation expenses, physical and mental rehabilitation services, interpreters, and job placement are available and should be part of your long-term planning.

Sources of Assistance:

The Office of Mental Retardation and Developmental Disabilities, local and State Departments of Social Services, the Council on Children and Families, community agencies, business and industry, Office of Vocational and Educational Services for Individuals with Disabilities.

POSTSECONDARY EDUCATION

Reason for Consideration:

Planning for future education should start in junior high school. Your child's Individualized Education Program should include educational goals which address preparation for postsecondary education, career education or prevocational training. Allowing adequate time to complete coursework, attending school beyond age 18, alternative testing techniques, equivalency of instruction, provision of adaptive equipment, and credit by examination are all important factors. Knowledge of graduation requirements will help you in this area.

For postsecondary education, it is helpful to contact different schools to learn about types of programs. Many private and public colleges and universities provide financial and programmatic assistance to young adults with handicapping conditions. Public facilities such as postsecondary institutions must be fully accessible and can not discriminate on the basis of a handicapping condition.

There are also other nontraditional ways to obtain academic or employment skills for persons who have graduated from high school or for persons who have left high school prior to graduation. Many of these programs are part of a wide range of continuing education classes. There are a great many adult learning programs or educational/employment training programs available within communities or through State agencies. Such programs are: Employment Preparation Education Programs, Workplace Literacy Programs, Welfare Education Programs, Job Training Partnership Act Programs, Employer-Specific Training Programs, Higher Education Opportunity Programs, Educational Opportunity Programs, School-to-Work Transition Programs, and Alternative High School Equivalency Preparation Programs. These programs offer important options which provide alternative ways to obtain academic and employment skills. It is most important to find out information regarding these programs as to their applicability to particular students. The school guidance counselor should be contacted for more information about these programs.

Sources of Assistance:

Postsecondary institutions, local school district administrators, guidance counselors, Committee on Special Education, Office of Continuing Education and Bureau of Academic Information and Reports within the State Education Department, Coordinator of the Disabled at the State University of New York Central.

AGING-OUT

Reason for Consideration:

Certain students with handicapping conditions, as determined by the Committee on Special Education (CSE) or the State-operated school's Multidisciplinary Team (MDT), may require adult services and life-long assistance. It is this group of students which are affected by Section 200.4(h) of the Regulations of the Commissioner of Education. These students are either in residential placements or in nonresidential 100 percent special education placements and will require additional efforts to ensure that appropriate planning occurs for the next stage of their lives. The quality of their adult lives will be determined by their educational preparation and the quality of their adult services plan. Extensive planning will, in turn, be required of the adult service system to establish appropriate residential and employment services for each of these young adults.

School district Committees on Special Education or State-operated school Multidisciplinary Teams are responsible for beginning the referral process. For students 15-17 years of age, the Committee on Special Education or Multidisciplinary Team must request that you sign a consent form in order that information regarding your child can be sent to the appropriate adult service agency(ies). For stu-

dents 18-21 years of age, the student must first be allowed to provide consent. If the student does not respond and a member of the staff of the educational facility has reason to believe that the student may not be able to understand the purpose of the form, the committee or team can allow the parent to sign the consent form.

Parents play a crucial role in the aging-out referral process by providing consent. Without consent, planning for adult services *cannot* occur and a referral *cannot* be made to any adult service agency. Without consent, parent/students *are not eligible* to apply for transitional funding should it be necessary. Transitional funding allows individuals with handicapping conditions to remain in their current residential placements after the age of twenty-one until appropriate adult placements are available. If you do not provide consent when initially requested, the CSE or MDT is required to request your consent every year until your child reaches age 21. Providing this consent does not mean that your child loses eligibility for school services. It simply means that planning for his/her adult life can begin early in a coordinated fashion.

Sources of Assistance:

The Office of Mental Retardation and Developmental Disabilities, the Office of Mental Health, the Office Vocational and Educational Services for Individuals with Disabilities, the Commission for the Blind and Visually Handicapped, the Council on Children and Families, the Department of Social Services, Local school district.

FINANCIAL PLANNING

Reason for Consideration:

Planning for wills, trusts, estates, or Federal benefits should be considered in advance to avoid later difficulty. This is not part of the IEP development process, however, the CSE may be able to provide information on sources of assistance.

Sources of Assistance:

The Office of Advocate for the Disabled, family lawyer, community agencies, SETRC.

RESOURCE LIST FOR PLANNING AHEAD:

New York State Education Department
Office for Education of Children
with Handicapping Conditions
Division of Program Development
Room 1069 Education Building Annex
Albany, New York 12234
(518) 474-8917

New York State Education Department
Office of Vocational and Educational Services
for Individuals with Disabilities
19th Floor
One Commerce Plaza
Albany, New York 12234
(518) 474-2714

New York State Education Department
Office for General and Occupational Education
Room 471 Education Building Annex
Albany, New York 12234
(518) 473-7155

New York State Department of Social Services
Commission for the Blind and Visually Handicapped
40 North Pearl Street
Albany, New York 12243
(518) 473-1801

New York State Department of Social Services
40 North Pearl Street
Albany, New York 12234
1-800-342-3715 (DSS General Information)

New York State Department of Mental Health
44 Holland Avenue
Albany, New York 12229
(518) 474-8394

New York State Office of Mental Retardation
and Developmental Disabilities
44 Holland Avenue
Albany, New York 12229
(518) 474-6067

State of New York
Council on Children and Families
Mayor Erastus Corning 2nd Tower Building
28th Floor
Empire State Plaza
Albany, New York 12223
(518) 474-6294

Office of Advocate for the Disabled
Agency Building #1, 10th Floor
Empire State Plaza
Albany, New York 12223
(518) 473-4129

Office of Coordinator for Disabled
Central Administration
State University of New York
State University Plaza
Albany, New York 12246
(518) 443-5101

Services for College Students with Disabilities
Bureau of Academic Information and Reports
New York State Education Department
Room 5B35 Cultural Education Center
Albany, New York 12230
(518) 473-1215

PART II

Practical Handbook

GENERAL INFORMATION

Suggestions for Your Participation

- Become familiar with school programs, facilities, and names of staff.
- Acquaint yourself with the curriculum, textbooks, and resources for your child.
- Ask about extracurricular activities and transportation provided to participate in these activities.
- Request teacher conferences, as needed.
- Become aware of different diploma options.

Record Keeping Ideas

- Maintain an ongoing file of your child that would include:
  - health records
  - letters from teachers or administrators
  - test scores
  - report cards
  - conference cards
  - copies of Individualized Education Program
- Collect samples of projects, awards, and assignments which demonstrate your child's strengths.
- Keep a list of frequently used phone numbers.
- Keep an educational history, including preschool.
- Keep a list of important school dates on your calendar.

Due Process Assurances

- Every child is entitled to a free appropriate public education from ages 5 through 21.
- Parents can examine their child's school records and receive copies at a reasonable cost.

MEDICAL INFORMATION

Name of Doctor:	Address:	Phone:	Specialty:	Comments:

Health Status:

Date of physical exams: _____

Current medications: _____

IMMUNIZATION AND DATES ADMINISTERED

Diphtheria-Tetanus-Pertussis _____

Oral Polio Vaccine _____

Measles Vaccine _____

Rubella Vaccine _____

Mumps Vaccine _____

Tuberculin Skin Test _____

Other Pertinent Information (reactions, allergies...)

EDUCATIONAL HISTORY

NAME OF SCHOOL:	NAME OF TEACHER:	LOCATION:	DATES ATTENDED:	ADDITIONAL COMMENTS:

Dates of School Conferences	Participants	Teachers Comments	Your Comments

EDUCATIONAL HISTORY (continued)

POSITION	NAME	PHONE NUMBER
Teachers:		
Principal:		
School Nurse:		
Chairperson of Committee on Special Education:		
Special Education Director:		
Transportation Director:		
Building Administrator:		
PTA Representative:		
Guidance Counselor:		
Social Worker:		
Rehabilitation Counselor:		
Other:		

THE SPECIAL EDUCATION PROCESS

STEP 1

Referral

Suggestions for Your Participation

- Keep informed about your child's progress in school. Be aware of any difficulties and discuss them with your child and school staff.
- When you are notified of a referral to the CSE, contact the Committee chairperson to acknowledge receipt. Begin planning for the time and date of upcoming meetings.
- Ask questions about the reasons for referral and the types of tests that will be needed.
- Ask to see the written referral or contact the referring person for further information and clarification.
- If you think your child has a handicapping condition, write a letter of referral to the school principal or CSE chairperson. (Example on page 50)
- Unless you disagree with the need for evaluation, sign and return the consent form as soon as possible.
- If you would like to talk to a parent whose child is receiving special education, ask the Committee chairperson or the principal to put you in touch with the parent member of the CSE or with other parents who have expressed an interest in sharing their experiences.
- Read through the rights that are included in the Notice of Referral. Ask questions if you are in need of more information.
- Gather, from your own files, material (reports, student's work) that may be useful during the evaluation and recommendation process. For example:
  - Medical information
  - School records or reports
  - Family history
  - Your child's activities, interests, and experiences

Record Keeping Ideas

- Record the date you received the Notice of Referral and save the notice.
- Follow timelines to ensure that the process is proceeding in a timely manner.
- Ask for and file a copy of the referral.

Due Process Assurances

- A Notice of Referral is sent to you as soon as the CSE receives a referral concerning your child.
- The notice will include the reason for referral, a description of the proposed evaluation, and will ask for your consent to evaluation.
- You will be provided with information on your child's rights and the process for appealing proposed actions of the school.
- All correspondence must be provided in a language that you understand.

CONTENT OF NOTICE OF REFERRAL

School districts have their own form for the Notice of Referral. However, the following information must be included in all such notices:

- Statement of proposed action and options considered.
- A description of the proposed evaluation or review and how the information would be used.
- A statement indicating that copies of your child's school files, records and reports are available to you at a reasonable cost.
- A statement describing your opportunity to participate in meetings of the Committee on Special Education for purposes of developing recommendations.
- A statement that you may be accompanied by others at the meetings.
- Information about your right to request that the school physician attend the Committee on Special Education meeting.
- Description of your right to submit evaluation information to be considered by the Committee on Special Education.
- Statement of your right to an independent evaluation at public expense if you disagree with the results of the district's evaluation or its proposed evaluation. However, the district may challenge your request through an impartial hearing.
- A listing of agencies where independent evaluations may be obtained.
- A detailed description of the right to obtain an impartial hearing.
- Information about free or low-cost legal services that are available, including the names, addresses and phone numbers of agencies where such services may be obtained.
- Information about attorneys' fee reimbursement.

The following assurances will be stated:

- Your right to consent or withhold consent to an initial evaluation.
- A statement that, pending any proceedings, your child will remain in the current educational placement unless other arrangements are made that are agreeable to you and the Board of Education or Commissioner.

EXAMPLE OF A
PARENT REFERRAL LETTER TO CSE

Date_____

Dear _____:
Building Administrator and/or CSE Chairperson:

I am writing to refer my child, _____, age_____, to the Committee on Special Education. I request that you conduct an individual evaluation to determine whether a handicapping condition is present that would make my child eligible for special education services.

I am concerned about my child's educational difficulties in the following areas:

Please contact me as soon as possible to discuss my referral.

Sincerely,

_____
Parent/Guardian

_____
Address

_____
City State Zip

_____
Phone

STEP 2

Evaluation

Suggestions for Your Participation

_____ Find out when testing will occur.

_____ Assist in preparing your son or daughter for the testing by explaining when and why tests are being given and who will be giving them.

_____ Gather information which may help evaluate your child:

— Review your files.
— Ask for records from other schools and programs that your child attended, also ask for records from physicians.
— Review information for consistency and make notes about your child's needs, learning preferences, and your suggestions regarding school progress.

_____ Send to the CSE any information that you would like considered during the evaluation process.

_____ Talk to a parent who has been involved in this process to discuss any concerns.

Record-Keeping Ideas

_____ Record the date you consented to your child's evaluation.

_____ Maintain a listing of dates for tests and classroom observation to record any reactions or concerns that your child may have.

_____ Include copies of notices and consents in your home file.

_____ Request copies of information currently in your child's school file and organize them in chronological order.

_____ Request a sample IEP form so that you are familiar with it.

Due Process Assurances

_____ Evaluations must be nonbiased and administered in the child's dominant language.

_____ No single test is used as the sole basis for program recommendations.

_____ Evaluation must include a physical examination, an individual psychological evaluation, a social history, and other suitable assessments. Your child must also be observed in the classroom by someone other than the teacher in the classroom.

_____ You have the right to an independent evaluation at any time and may request that it be conducted at district expense.

_____ You have the right to request an impartial hearing if you disagree with evaluation results.

EVALUATION DATA

NAMES OF TESTS:	PROPOSED DATES OF TESTS:	CONDUCTED BY:
_____	_____	_____
_____	_____	_____
_____	_____	_____

List questions you may have about the evaluation:

List information provided to you about your child's school progress:

Describe results of discussions about evaluations:

STEP 3

Recommendation

Suggestions for Your Participation

_____ Notify the CSE that you plan to attend committee meetings.

_____ Ask for meetings to be rescheduled at a mutually convenient time if you are unable to attend as scheduled.

_____ Present information to the CSE that is related to the topic of discussion.

_____ Ask questions about information presented at meetings to clarify items to your satisfaction.

_____ Share your thoughts regarding recommended programs, including regular education options and services. As appropriate, add to the development of Phase I of the IEP.

_____ Visit programs or placements being considered for your child. Ask how to set up such appointments.

_____ Consider bringing a friend, advisor, or relative to CSE meetings to provide additional support.

_____ Request a sample IEP form and become familiar with the information that is contained in it.

_____ Consider factors related to the least restrictive environment.

- Are the programs and services appropriate to your child's needs?
- Is there interaction with nonhandicapped peers?
- Are programs close to your home?

Record-Keeping Ideas

_____ Record the dates of CSE meetings.

_____ Record who was present at the meeting.

_____ Keep any notices or information sent to you about the meetings. If your child is recommended for special education, ask for a copy of the Phase I IEP.

_____ Save materials that may be sent out by the school (e.g., information about future parent training programs, calendars of Board meetings, PTA meetings, after-school activities, events sponsored by community groups).

Due Process Assurances

_____ You must have the opportunity to participate in the development of the IEP.

_____ You can bring other persons with you to the CSE meeting.

_____ The school physician will attend the CSE meeting if you request this. (Your request must be made at least 72 hours before the meeting.)

_____ You have the right to an interpreter for the deaf or translator, if needed.

_____ You have the right to disagree with the recommendation and request an impartial hearing, if necessary.

NOTE-TAKING FORM:
CSE MEETING FOR RECOMMENDATION

Date of Meeting: _____ Date of Notice of Meeting _____

Participants:

_____ _____

_____ _____

_____ _____

Evaluations: Topics Discussed:

_____ _____

_____ _____

_____ _____

_____ _____

Results:

Classification, if any: _____

IEP

Recommended Program and Services:

Regular Education _____ Special Education _____ Both _____

Recommended Placement:

Specialized Equipment:

Testing Modifications:

Questions as a result of the meeting:

_____

_____

_____

(List details of the recommended IEP on additional paper)

EXAMPLE OF A
PARENT NOTICE OF RECOMMENDATION

Date: _____
Students Name: _____
Date of Birth: _____
Date of CSE Meeting: _____
Initial Reviews: _____
Annual Review: _____

Dear _____:
Parent/Guardian

The Committee on Special Education met to review the evaluation conducted on your child. The following recommendations were developed and will be reported to the Board of Education:

Classification _____

Program _____

Related Services _____

Placement _____

The recommendations were based upon the following tests and reports:

Attached are statements which outline your rights as a parent of a child with a handicapping condition and a copy of your child's Phase I IEP. Please read all enclosures carefully. If you agree with our recommendation, please sign the request for your consent and return it to me as soon as possible. If you do not agree, please call as soon as possible to resolve the matter.

On behalf of the Committee, I would like to wish you and your child a successful and rewarding school year.

Sincerely,

_____
Chairperson, CSE

Enclosures

Request for Consent _____

Statement of Rights _____

Phase I IEP _____

STEP 4

Arranging for Implementation

Suggestions for Participation

Read the Notice of Recommendation carefully and make sure that it fully describes the anticipated programs, services, and placement.

Express your satisfaction or dissatisfaction with the recommendation as soon as possible so that your child's needs are addressed without delay.

Prepare your child for changes in his or her program, such as new classrooms and activities, different transportation arrangements, and new teachers.

Plan to visit and observe your child in the agreed-upon program.

Ask questions about who will be working directly with your child.

Ask about initial classroom assessments that might be conducted.

Contact the CSE to discuss questions or problems.

Record-Keeping Ideas

File the CSE recommendation and Phase I information.

Save any pertinent correspondence from teachers, administrators, and CSE members.

Keep a calendar of your child's projected daily/weekly schedule. Record the date your child begins the recommended program.

Due Process Assurances

Your consent is required before the recommended program can be implemented.

If eligible for special education, your child's needs are included in Phase I of the IEP. This must be developed before the programs and services begin.

The Board of Education must act upon the CSE recommendation within 30 school days.

You must receive a notice of the Board of Education decision.

You have the right to request an impartial hearing if you disagree with the CSE recommendation or the Board of Education decision.

If your child is being considered for placement in a school that utilizes psychotropic drugs, you must be given a copy of the school's written policy at the time of the CSE meeting that considers the placement.

STEP 5

Planning Conference

Suggestions for Your Participation

- Become familiar with new teachers and programs as soon as possible.
- Ask in advance for a sample Phase II IEP to give you an idea of information which might be included for your child.
- Attend the special education planning conference, which is scheduled within 30 school days of your child's entrance into the program.
- Bring others with you for support or advice if you wish.
- Suggest any short-term objectives that you feel may help achieve annual goals.
- If your child also participates in regular education classes, ask that those teachers attend or talk with them about their classroom objectives. You may also ask that related service providers participate.

Record-Keeping Ideas

- File Phase II along with the rest of the IEP.
- Record observations regarding your child that may provide insight during the planning conference.
- Maintain a written schedule of your child's classes, teachers, transportation, etc.
- Save correspondence from special education teachers and school staff.

Due Process Assurances

- You must receive notice of the planning conference at least five days before the conference.
- If you wish to attend, and the date, time, or location is not convenient, you may ask to reschedule the meeting.
- You have a right to request a CSE review if you do not think the program is appropriate.

PLANNING CONFERENCE NOTES

Projected date for annual review: _____

Questions to Consider:

- Will the Phase II objectives help meet the goals outlined in Phase I?
- How can I reinforce learning and skills at home?

Discussion Points:

1. Student's Adjustment to Placement

2. Additional Evaluations

3. Student's Schedule

4. Teachers/Staffing

5. Transportation

6. Short-Term Objectives

7. Evaluation Criteria

SCHOOL SCHEDULE

Transportation:

Pick-Up/Drop-Off Times

Contact Person: _____

Class Schedule: (list subject, teacher, room number in each block)

TIME:	M	T	W	TH	F

School Address: _____

Telephone Number: _____

STEP 6

Annual Review

Suggestions for Your Participation

- Review the IEP that was developed at the previous CSE meeting in order to determine the effectiveness of the program throughout the year.
- Discuss areas where your child showed success and significant progress.
- Discuss problems encountered throughout the year.
- Suggest changes or additions for the coming year's program and services.
- Ask questions about proposed goals in the IEP and request more information, as needed.
- Establish the purpose for changing goals or other components of the Phase I.
- Discuss ways to meet the proposed goals and objectives for your child.
- By ninth grade, consider plans for occupational education and postsecondary planning.
- Discuss high school diploma options and the need for a referral to an adult service provider as per "aging-out" requirements, where appropriate.

Record-Keeping Ideas

- Save copies of the current IEP.
- Gather report cards, representative samples of your child's work and teacher conference reports.
- Save copies of all notices or correspondence with the school during the year.
- Save a copy of the IEP developed at the Annual Review meeting.

Due Process Assurances

- The program of every student receiving special education is reviewed at least annually.
- You are notified of annual review meetings in advance.
- You have the right to participate in the meeting or request that the meeting be rescheduled so that you may participate.
- You may request a CSE review at any time and/or withdraw your consent to the current program any time, if you cannot come to agreement regarding the program with school officials.

PREPARATION CHECKLIST FOR ANNUAL REVIEW

Records to Keep Throughout the Year

Item:	Date:	Comments:
Classroom Information		
• Report Card		
• Conference Reports		
• Attendance Record		
• Examples of Classwork		
• Student's Schedule		
• Copy of IEP		
• Test Results		
School Correspondence		
• Teacher Requests		
• School Notices		
• CSE Notices		
• School Calendar		
• Meetings Attended		
• Phone Contacts		
Additional Reports		
• From Other Agencies		
• Additional Health Records		
• Other Independent Evaluations		

STEP 7

Triennial Evaluation

Suggestions for Your Participation

Periodically check your records to make sure an evaluation is scheduled every three years.

When you are notified of the triennial evaluation, you may be informed of the need for additional evaluations. If you have questions about new tests, call the CSE for information.

Prior to the meeting, ask to review valuative results. Write down any questions you may have regarding reports.

Record-Keeping Ideas

Record the tests that are given.

Keep a record of test results from the reevaluation.

Due Process Assurances

Students receiving special education must receive a triennial reevaluation.

You are notified in advance of the reexamination and are informed of any different evaluations that are needed.

Suggestions for Your Participation

The following suggestions are not needed in every situation and should be carefully considered prior to any action:

Attempt to resolve conflicts informally.

If you disagree with a proposed action (i.e., evaluation, recommendation, placement), express this disagreement or dissatisfaction.

In some situations, you may wish to consider an impartial hearing. Before initiating the formal process, clearly identify the current problem, gather complete information, consider other points of view, consider options for resolving the issue, and plan your approach.

If you wish to proceed with a formal process for resolution, a written request for an impartial hearing must be submitted to the Board of Education.

If an impartial hearing has been requested, consider the need for representation by an attorney or someone knowledgeable about special education issues.

If an impartial hearing does not resolve the issue to your satisfaction, you may wish to consider an appeal to the Commissioner.

Remember that parents and school districts should be working in the best interest of the child. This should be the primary focus in resolving any disagreement.

Record-Keeping Ideas

Maintain copies of all documents (notices, consents, communication from the school, communication to the school).

Take notes during information conferences, meetings, and hearing.

Appeals to the Commissioner

(The section that follows describes the appeal process.)

Appeals to the Commissioner

If you are dissatisfied with the decision of the impartial hearing officer, you may proceed with an appeal to the Commissioner of Education. This appeal is a request for review of the impartial hearing officer's decision and is not another hearing. The decision of the Commissioner will be based on the testimony and exhibits given to the hearing officer at the impartial hearing. Oral arguments before the Commissioner are not permitted, only submission of papers. It is very important that the procedures required for appeal are followed exactly. As you proceed with this appeal, it will be helpful to keep the following points in mind:

- The **Petition** is a statement of the petitioner's reasons for disagreeing with the hearing officer's decision and a request that the Commissioner set aside such decision.
- The **Petitioner** is the person or party that initiates the appeal (either you or the Board of Education).
- The **Respondent** is the party that must answer the issues in the petition (either you or the Board of Education).

Parents or legal guardians may initiate the petition on behalf of the child.

The procedures and timelines described below must be followed carefully. The procedures are described with the assumption that the parent is the petitioner for purposes of this manual. (Forms follow steps 1-10.) You may want to get advice or assistance before proceeding with the steps below.

1. **How to Proceed with the Appeal**

   A *Notice of Intent to Seek Review* (Form A) must be served upon the Board of Education not less than 10 calendar days before the petition is served and within 30 calendar days after receipt of the decision of the hearing officer.

   After the Notice of Intent to Seek Review is typed, a copy of the notice must be hand-delivered to the school district clerk, any trustee or member of the Board of Education, to the superintendent of schools, or to a person in the superintendent's office who has been designated by the Board to accept service. The original copy of the Notice of Intent and an Affidavit of Service of the copy of the notice upon the Board should be mailed to the Office of Counsel of the State Education Department in Albany within five days after the delivery of the copy to the Board.

2. **Preparing the Appeal**

   The petitioner must prepare the appeal. The appeal consists of the following items:

   Notice with Petition (Form B). The petition must be filed within 40 calendar days after the date the hearing officer's decision was received. The petition, and affidavits submitted to the Commissioner, must be typewritten and double-spaced on white paper, 8 1/2 inches by 11 inches in size. Capitalize the entire names of the parties (child, parent and Board of Education) and the first letters of "Petitioner" and "Respondent." The petition should be addressed to the Commissioner of Education and must have the parent's name (or the attorney's name), mailing address, and telephone number at the end of it.

   Written Argument. The written argument includes the reasons and justification of the disagreement with the impartial hearing officer. The petition should summarize the decision and focus on the issues raised in the appeal. Each paragraph should be numbered and include only one statement. Paragraphs should be supported by referring to transcript pages, exhibits or quoting parts of the record. All references to the record should be identified by the transcript page number or exhibit number and page. A separate sec-

tion of the petition or a separate memorandum of law should include pertinent statutes, regulations or decisions to support the position.

Affidavit of Verification (Form C). This form swears the petitioner to the truth of the statements in the petition.

3. **Serving the Petition**

   The petitioner must have the petition hand-delivered to the Board of Education by someone over age 18 but not a party to the appeal (not you or the child involved).

   Two photocopies of all the papers should be made. One photocopy must be delivered to the Board. The original and an affidavit of service of a copy of the petition upon the Board is filed (see Step 5) and you keep the other photocopy.

4. **Notarizing the Affidavit of Personal Service**

   The *Affidavit of Personal Service Form* (Form D) needs to be signed and notarized. The affidavit should be inserted after the original petition, following the verification (Form C).

5. **Filing the Petition with the Commissioner of Education**

   The petitioner must file the following items with the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234. **All papers sent must be the originals.**

   - the complete appeal
   - a copy of the Notice of Intent to Seek Review (Form A)
   - Affidavit of Personal Service (Form D)
     - — Notice with Petition (Form B)
     - — the petition and the Affidavit of Verification (Form C)

6. The respondent must prepare an answer to the petition. The respondent has 10 days after receiving the petition to file an answer to the petitioner's appeal. A written argument, memorandum of law, if needed, and additional documentary evidence should be prepared by the respondent.

7. The respondent must serve the answer on the petitioner. The respondent must either hand-deliver or serve by mail the answer on the petitioner (Form E - *Affidavit of Service by Mail*). If the answer is hand-delivered, the original and one photocopy is taken to the petitioner. The papers should be stamped as to time and date received. A photocopy of the answer is left with the petitioner. After doing this, the person who hand-delivered the answer should prepare and have notarized the Affidavit of Verification. The affidavit inserted at the back of the answer and the original of the answering papers, with the Affidavit of Verification, should be sent to the New York State Education Department's Office of Counsel in Albany.

   If the answer is served by mail, photocopies of the papers are sent to the petitioner. Whoever mails the papers should fill out an Affidavit of Service by Mail (Form E), sign it and have the affidavit notarized. The original of the Affidavit of Service by Mail is sent to the Office of Counsel. The respondent must file the answer with the Office of Council within two calendar days of the date that the answer was served on the petitioner.

8. Petitioner may respond to the answer by the respondent. The response must be served on the respondent and filed with the Office of Council within three calendar days after the service of the answer.

9. The Board of Education has the responsibility to file with the office of Counsel a copy of the written transcript and all exhibits before the hearing officer and the decision.

10. **Decision of the Commissioner**

    The Commissioner of Education must make a decision on your appeal within 30 calendar days of the filing of appeal papers.

    If you remain dissatisfied with the Commissioner's final determination, you may obtain judicial review of such determination in either State Supreme Court of Federal District Court.

FORM A

NOTICE OF INTENTION
TO SEEK REVIEW

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on behalf of [child's name] :

Petitioners, :

-against-

[school district's name] :

Respondent. :

NOTICE:

The undersigned intends to seek review of the determination of the hearing officer concerning the identification, evaluation or placement of [child's name in action]. Upon receipt of this notice you are required to have prepared a written transcript of the proceedings before the hearing officer in this matter. A copy of the transcript and of the decision of the hearing officer must be filed with the answer to the petition for review to be filed by the undersigned with the Commissioner of Education.

Dated:

Signature
(parent or person in parental relationship who has initiated the appeal)

FORM B

NOTICE WITH PETITION

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on behalf of [child's name] :

Petitioners, :

-against-

[school district's name] :

Respondent. :

NOTICE:

You are hereby required to appear in this review and to answer the allegations contained in this petition. Your answers must conform with the provisions of the regulations of the Commissioner of Education relating to reviews of this nature, copies of which are available from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

If an answer is not served and filed in accordance with the provisions of such regulations, the statements contained in the petition will be deemed to be true statements, and a decision will be rendered thereon by the Commissioner.

Please take notice that such regulations require that an answer to the petition must be served upon the petitioner, or if petitioner is represented by counsel, upon such counsel, within ten days after the service of the petition for review, and that a copy of such answer must, within two days after such service, be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

Dated:

Signature
(parent or person in parental
relationship who has initiated the appeal)

FORM C

AFFIDAVIT OF VERIFICATION

STATE OF NEW YORK

ss.

COUNTY OF_____

[parent making petition], being duly sworn, deposes and says that he/she is (relationship to child) in this proceeding; that he/she has read the annexed (petition/answer) and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

Signature
(parent making petition)
(print name below signature)

Subscribed and sworn to before me
this [date] day of [month] 19[year].

(Signature and Title of Officer)
Notary Public-Commissioner of Deeds

FORM D

AFFIDAVIT OF PERSONAL SERVICE

DEPARTMENT OF EDUCATION
STATE OF NEW YORK
COMMISSIONER OF EDUCATION

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on behalf of [child's name] :

Petitioners, :

-against-

[school district's name] :

Respondent. :

STATE OF NEW YORK

ss.

COUNTY OF (your county)

[name of deliverer] being duly sworn, deposes and says that he/she is over the age of eighteen years and is not a party in this proceeding; that on the [date] day of [month], 19___, at No. _____ Street, in the town of _____, county of _____, State of New York, he/she served the annexed [notice, petition, and memorandum in support of petition] on [school districts name] by delivering to and leaving with said [receiver of papers] at said time and place a true copy thereof.

Deponent further says he/she knew the person so served to be the said [receiver of paper], who is [position of receiver] in said district.

_____
Signature
(name of deliverer)

Subscribed and sworn to before me
this _____ day of _____, 19___.

_____
Notary Public

FORM E

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK

ss.

COUNTY OF (county of hearing)

[name of deliverer], being duly sworn, deposes and says that he/she is over the age of eighteen years and is not a party in this proceeding; that on the [date] day of [month], 19[year], deponent served the within [notice, petition, and memorandum in support of petition] upon [respondent] in this action, at [school district], the addresses designed by [school district] for that purpose by depositing a true copy of the same by mail, enclosed in a post-paid properly addressed wrapper, in a post office official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Signature
(name of deliverer)

Subscribed and sworn to before me
this day of 19 .

(Signature and Title of Officer)

This form is used only when answering the petition and serving by mail and is not required of the petitioner when filing an appeal.

PLANNING AHEAD

Suggestions for Your Participation

_____ Discuss long-term goals that you and your child have established. Plan services or programs with these goals in mind.

_____ Stay informed of changes and additions to laws, regulations, and State and local policies.

_____ Attend workshops, seminars, and conferences on topics related to special education.

_____ Keep in touch with other parents whose children have similar needs. Join community organizations that inform others on the topic of special education.

_____ If your child is about to become 18, consider whether he or she will be able to provide "informed consent" dependent on the degree of the handicapping condition. If you believe you should be acting on your child's behalf, you should consider getting that permission through the court system. Discuss this matter with the CSE chairperson.

Record-Keeping Ideas

_____ Maintain a directory of key people and contacts.

_____ Record general information on your son's or daughter's skills. This may be useful in planning for services throughout and beyond the school years.

_____ Keep a cumulative folder.

Due Process Assurances

_____ All students have the right to attend school until receipt of a diploma or age 21. Students who receive a High School IEP diploma are eligible to attend school until age 21.

KEY PEOPLE DIRECTORY

Name: _____ Phone: _____

Title: _____

Address: _____

_____

_____

Purpose of contact: _____ Contact Date: _____

Summary:

Purpose of contact: _____ Contact Date: _____

Summary:

Purpose of contact: _____ Contact Date: _____

Summary:

CHILD PROFILE

How does your child learn?

- Strengths:

- Areas for Improvement:

What are your child's study skills?

- Strengths:

- Areas for Improvement:

How does your child spend free time?

- Strengths:

- Areas for Improvement:

What are your child's physical abilities?

- Strengths:

- Areas for Improvement:

CHILD PROFILE (continued)

How does your child communicate?

- Strengths:

- Areas for Improvement:

How does your child get along with others?

- Strengths:

- Areas for Improvement:

How does your child feel about himself/herself?

- Strengths:

- Areas for Improvement:

TIMELINE FOR PLANNING BEYOND HIGH SCHOOL

Age 16

ACTION	SOURCE OF ASSISTANCE
Apply for Social Security	Social Security Administration
Decide on Guardianship	Surrogate Court
Obtain Work Permit	School Office
Obtain Information on Driver's Licenses	Department of Motor Vehicles
Inquire About VESID Services	Office of Vocational and Educational Services for Individuals with Disabilities

Age 18

ACTION	SOURCE OF ASSISTANCE
Apply for Supplemental Security Income (SSI) and Medicaid	Social Security Administration
Register to Vote	City Hall
Register for Draft	Post Office
Obtain Personal ID Card	Local Police Department
Inform Health Insurance Company of son's/daughter's disability and obtain a rider of continued eligibility. Variances may be granted as long as your child lives in your home.	Insurance Agency or Employment Office

Age 21

ACTION	SOURCE OF ASSISTANCE
Visit Adult Programs	Community Agencies
Apply for Medicaid	Social Security Administration
Attend to Financial Planning - wills, estates, trusts	Attorney
Explore Federal Benefits	Social Security Administration
Research Adult Living Situations	Community Services Directory
Contact Community Recreational Social Programs	Community Services Directory

RESUME OF WORK-RELATED EXPERIENCE

Standard job applications require a chronological listing of significant work-related experiences. Develop and update your son's or daughter's experiences. If possible, teach your child how to do this independently. Work-related experience may include part-time/full-time jobs, vocational training experiences, volunteer experiences, or clubs and community activities.

	DESCRIPTION OF WORK-RELATED EXPERIENCE	DATES	CONTACT PERSON (for reference: name, address, phone)	ADDITIONAL COMMENTS
1.				
2.				
3.				
4.				
5.				

LIST OF FREQUENTLY USED ACRONYMS

ADL	Activities of Daily Living
BOCES	Board of Cooperative Educational Services
BOE	Board of Education
CBVH	Commission for the Blind and Visually Handicapped
CSE	Committee on Special Education
CP	Cerebral Palsy
DSS	Department of Social Services
ECDC	Early Childhood Direction Centers
ERSS	Educationally Related Support Services
ED	Emotionally Disturbed
FAPE	Free Appropriate Public Education
FERPA	Family Educational Rights and Privacy Act of 1974 ("Buckley Amendment" on Confidentiality)
504	Rehabilitation Act of 1973 (Public Law 93-112, Section 504)
IEP	Individualized Education Program
IHO	Impartial Hearing Officer
IQ	Intelligence Quotient
JTPA	Job Training Partnership Act
LD	Learning Disabled
LEA	Local Educational Agency
LRE	Least Restrictive Environment
MR	Mentally Retarded
OECHC	Office for Education of Children with Handicapping Conditions (State Education Department)
OMH	Office of Mental Health
OMRDD	Office of Mental Retardation and Developmental Disabilities
OT	Occupational Therapist/Occupational Therapy
P.L. 94-142	The Education of All Handicapped Children Act (EHA)
P.L. 95-561	1978 Education Amendments and Extension of P.L. 94-142
P.L. 98-199	1983 Revision and Extension of P.L. 94-142
P.L. 99-372	Attorney's Fees and Extension of P.L 94-142

P.L. 99-457	Preschool, Postsecondary and Transitional Services Extension of P.L. 94-142
P.L. 100-630	1988 Technical Amendments to P.L. 94-142
PT	Physical Therapist
RT	Recreational Therapist
SED	State Education Department
SETRC	Special Education Training and Resource Centers
SSI	Supplemental Security Income
VESID	Office of Vocational and Educational Services for Individuals with Disabilities

RESOURCES AVAILABLE THROUGH OECHC

EARLY CHILDHOOD DIRECTION CENTERS

SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS

OECHC REGIONAL OFFICES

INFORMATION CHECKLIST

NEW YORK STATE

EARLY CHILDHOOD DIRECTION CENTER NETWORK

15 CENTERS

New York State Early Childhood Direction Centers

Early Childhood Direction Center
Children's Hospital of Buffalo
936 Delaware Avenue
Buffalo, New York 14209
(716) 878-7282 or
1-800-462-7653

Early Childhood Direction Center
Broome-Delaware-Tioga BOCES
421 Upper Glenwood Road
Binghamton, New York 13905-1699
(607) 729-9301 Ext. 421 or 422

Early Childhood Direction Center
25 Webster Street
Kingston, New York 12401
(914) 338-6755

Early Childhood Direction Center
SUNY at Brooklyn
450 Clarkson Avenue, Box 49
Brooklyn, New York 11203
(718) 735-2157
(718) 735-3296

Early Childhood Direction Center
Suffolk Child Development Center
Hollywood Drive
Smithtown, New York 11787
(516) 366-2935

Regional Early Childhood Direction Center
264 Village Landing
Fairport, New York 14450
or
University of Rochester
Strong Memorial Hospital
601 Elmwood Avenue
Rochester, New York 14642
1-800-462-4344 or
(716) 223-6220

Early Childhood Direction Center
Franklin-Essex-Hamilton BOCES
West Main Road
P.O. Box 28
Malone, New York 12953
(518) 483-6523

Early Childhood Direction Center
St. Agnes Hospital
305 North Street
White Plains, New York 10605
(914) 681-4656

Early Childhood Direction Center
United Cerebral Palsy of Queens
82-25 164 Street
Jamaica, New York 11432
(718) 380-2000 Ext. 265

Early Childhood Direction Center
Lincoln Medical and Mental Health Center
234 East 149 Street,
7B Rooms 134 & 136
Bronx, New York 10451
(212) 579-5778, 579-5779

Early Childhood Direction Center
200 Huntington Hall - 2nd floor
Syracuse University
Syracuse, New York 13244-2340
(315) 443-4444, 443-3851 or
1-800-962-5488

Early Childhood Direction Center
of the Capital Region
Albany-Schenectady-Schoharie
BOCES
Maywood Elementary School
1979 Central Avenue
Albany, New York 12205
(518) 456-9071

Early Childhood Direction Center
New York Hospital - N - 507
525 East 68 Street
New York, New York 10021
(212) 746-6175

Early Childhood Direction Center
Variety Pre-Schooler's Workshop
47 Humphrey Drive
Syosset, New York 11791
(516) 364-8580

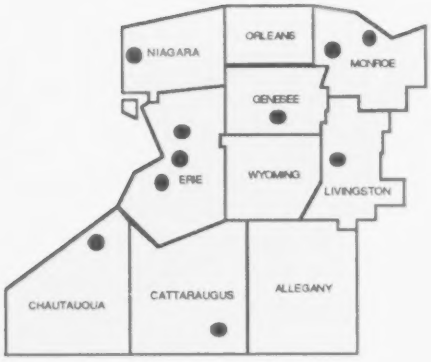
Early Childhood Direction Center
Staten Island Hospital
Ambulatory Care
475 Seaview Avenue
Staten Island, New York 10305
(718) 226-9498
(718) 226-8276

DIRECTORY OF SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS IN NEW YORK STATE — BY REGION

Coordinating Office

New York State Education Department
Office for Education of Children with Handicapping Conditions
Division of Program Development
Albany, New York 12234
(518) 474-8917 or 2251

WESTERN REGION



Buffalo City SETRC
School #75
99 Monroe Street
Buffalo, New York 14206
(716) 856-5595

Cattaraugus-Allegany-Erie-Wyoming BOCES SETRC
Windfall Road
Box 424-B
Olean, New York 14760
(716) 372-8293

Erie #1 BOCES SETRC
591 Terrace Boulevard
Depew, New York 14043
(716) 684-2263

Erie #2 Cattaraugus BOCES SETRC
9520 Fredonia Stockton Road
Fredonia, New York 14063
(716) 672-4371 Ext. 337 or 275

Genesee-Wyoming BOCES SETRC
8250 State Street Road
Batavia, New York 14020
(716) 343-1400 Ext. 296

Livingston-Steuben-Wyoming BOCES SETRC
Holcomb Building
Geneseo, New York 14454
(716) 243-5470

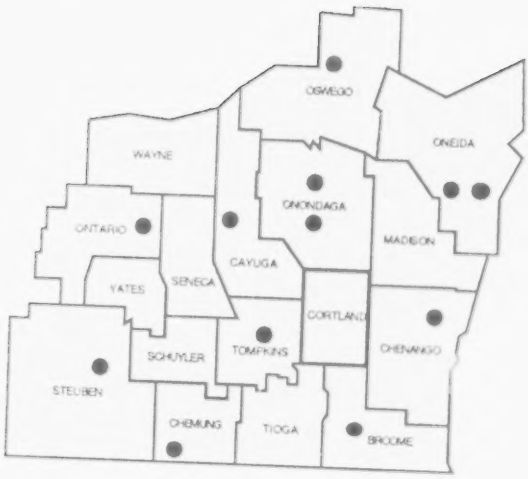
Monroe #1 BOCES SETRC
119-S South Avenue
Webster, New York 14580
(716) 265-4030

Monroe #2-Orleans BOCES SETRC
3599 Big Ridge Road
Spencerport, New York 14599
(716) 352-2443 or 352-2483

Orleans-Niagara BOCES SETRC
Kenan Site
195 Beattie Avenue
Lockport, New York 14094
(716) 439-4328

Rochester City SETRC
Central Administrative Offices
131 West Broad Street
Rochester, New York 14614
(716) 325-4560 Ext. 2710

CENTRAL REGION



Broome-Delaware-Tioga BOCES SETRC
421 Upper Glenwood Road
Binghamton, New York 13905
(607) 729-9301 Ext. 362

Cayuga-Onondaga BOCES SETRC
234 South Street Road
Auburn, New York 13021
(315) 253-0361

Delaware-Chenango SETRC
10 North Canal Street
Greene, New York 13778
(607) 656-4105

Madison-Oneida BOCES SETRC
Spring Road
Verona, New York 13478
(315) 363-8000

Oneida-Herkimer-Madison BOCES SETRC
Box 70
Middle Settlement Road
New Hartford, New York 13413
(315) 768-4614 or 768-4686

Onondaga-Cortland-Madison BOCES SETRC
P.O. Box 4754
Syracuse, New York 13211
(315) 433-2645

Ontario-Seneca-Yates-Cayuga-Wayne BOCES SETRC
Finger Lakes Educational Center
3501 County Road 20
Stanley, New York 14561
(716) 526-6410

Oswego BOCES SETRC
County Route 64
Mexico, New York 13114
(315) 963-7251

Schuyler-Chemung-Tioga BOCES SETRC
Fassett School
Thurston Street
Elmira, New York 14901
(607) 733-9758

Stueben-Allegany BOCES SETRC
Early Instructional Center
6758 Route 415 S.
Bath, New York 14810
(607) 776-4181

Syracuse City SETRC
Teacher Center
501 Park Street
Syracuse, New York 13203
(315) 425-4685

Tompkins-Seneca-Tioga BOCES SETRC
555 South Warren Road
Ithaca, New York 14850
(607) 257-1551 Ext. 276

NORTHEAST REGION

Albany-Schoharie-Schenectady BOCES SETRC
Maywood School
1979 Central Avenue
Albany, New York 12205
(518) 456-9069

Clinton-Essex-Warren-Washington BOCES SETRC
Box 455
Plattsburgh, New York 12901
(518) 561-0100

Franklin-Essex-Hamilton BOCES SETRC
Adirondack Education Center
Bloomingdale Avenue
R.D. #1, Box 7A
Saranac Lake, New York 12983
(518) 891-5410

Hamilton-Fulton-Montgomery BOCES SETRC
Fulton-Montgomery Community College
Route 67
Room L210
Johnstown, New York 12095
(518) 762-7754

Herkimer-Fulton-Hamilton-Otsego BOCES SETRC
400 Gros Boulevard
Herkimer, New York 13350

Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES SETRC
North Elementary
171 East Hoard Street
Watertown, New York 13601
(315) 785-9137

Otsego-Northern Catskill BOCES SETRC
Rexmere Park
Stamford, New York 12167
(607) 652-7531 Ext. 29

Rensselaer-Columbia-Greene BOCES SETRC
Box 26
Brookview Road
Brookview, New York 12026
(518) 732-7266

St. Lawrence-Lewis BOCES SETRC
Northeast Campus
P.O. Box 330
Norwood, New York 13668
(315) 353-6684

Saratoga-Warren BOCES SETRC
Myers Education Center
Henning Road
Saratoga Springs, New York 12866
(518) 584-3239 Ext. 286

Washington-Warren-Hamilton-Essex BOCES SETRC
Dix Avenue
Southern Adirondack Education Center
Hudson Falls, New York 12839
(518) 793-7721 Ext. 219

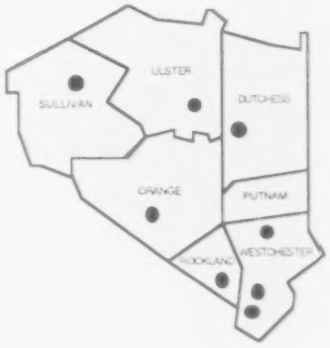
SOUTHEAST REGION

Dutchess BOCES SETRC
R.D. #1, Salt Point Turnpike
Poughkeepsie, New York 12601
(914) 471-9200

Orange-Ulster BOCES SETRC
Gibson Road
Goshen, New York 10924
(914) 294-5431 Ext. 276

Rockland BOCES SETRC
61 Parrott Road
Building #6
West Nyack, New York 10944
(914) 623-3828

Sullivan BOCES SETRC
Ferndale Loomis Road
R.D. #1, Box 522
Liberty, New York 12754
(914) 292-0082



Ulster BOCES SETRC
175 Route 32 North
New Paltz, New York 12561
(914) 255-1402

Putnam-North Westchester BOCES SETRC
Pinesbridge Road
Yorktown Heights, New York 10598
(914) 245-1050 or 245-2700 Ext. 288

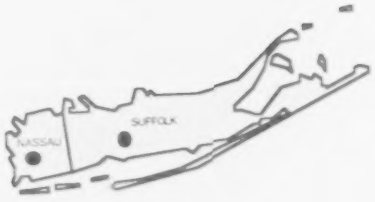
Westchester #2 BOCES SETRC
Instructional Services Department
2 Westchester Plaza
Elmsford, New York 10523
(914) 347-7305

Yonkers City SETRC
Administrative Annex
John Burroughs Junior High School
150 Rockland Avenue
Yonkers, New York 10710
(914) 963-2944

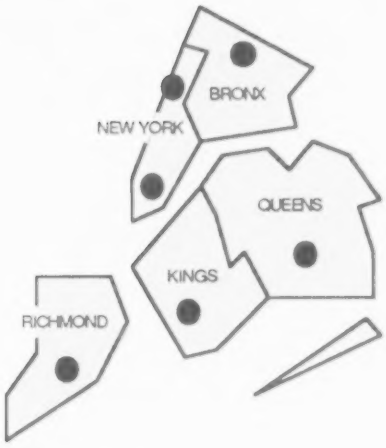
LONG ISLAND REGION

Nassau County BOCES SETRC
Rosemary Kennedy Center
2850 North Jerusalem Road
Wantagh, New York 11793
(516) 781-4044 Ext. 270-1-2

Suffolk #2 BOCES SETRC
School Services Center
Wingamhappauge Road
Islip, New York 11751
(516) 277-7403



NEW YORK CITY



New York City SETRC
New York City Board of Education
Chancellor Office of Monitoring
Room 203 - 3rd Floor
110 Livingston Street
Brooklyn, New York 11201
(718) 935-4267

New York City SETRC
Manhattan High School Office
Room 213
High School for Humanities
351 N. 18 Street
New York, New York 10011
(718) 675-6101

Region I SETRC
P.S. 79
55 East 120th Street
New York, New York 10027
(212) 534-6500 Ext. 32 or 33

Region II SETRC
Junior High School
2750 Lafayette Avenue
Room 304
Bronx, New York 10465
(212) 823-6313

Region III SETRC
360 36th Street
Brooklyn, New York 11232
(718) 965-4800 Ext. 53

Region IV SETRC
P.S. 199
1100 Elm Avenue
Brooklyn, New York 11230
(718) 645-8515

Region V SETRC
Francis Lewis High School
58-20 Utopia Parkway
Flushing, New York 11365
(718) 357-8510

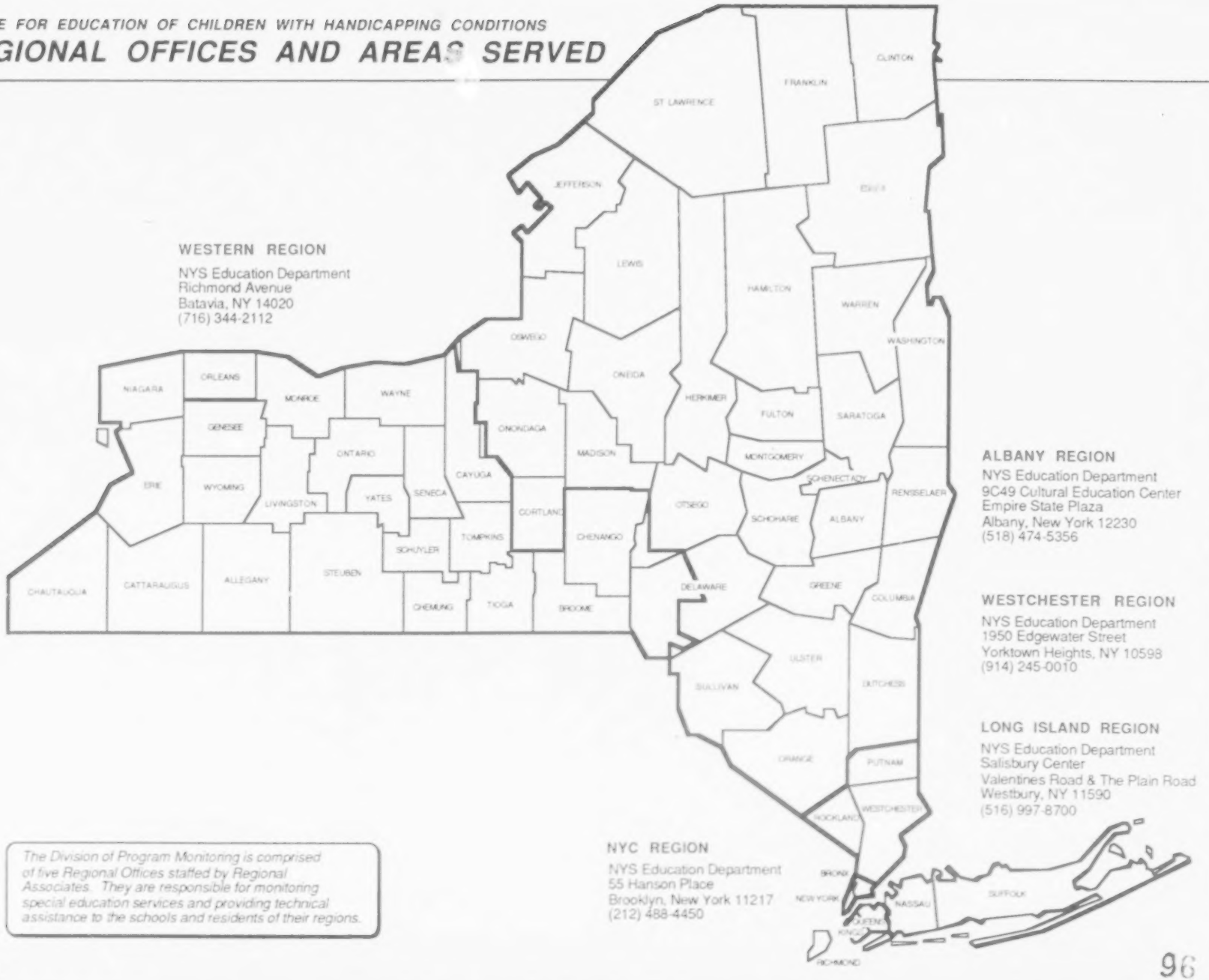
Basis High School Superintendent Office
1171 65th Street
Brooklyn, New York 11204
(718) 236-5455 Ext. 41

Bronx Superintendent Office
Room 122
3000 E. Tremont Avenue
Bronx, New York 10461
(212) 892-9926

Queens High School Superintendent Office
Newtown Annex High School
105-25 Horace Harding Expressway
Corona, New York 11368
(718) 592-4496

OFFICE FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

REGIONAL OFFICES AND AREAS SERVED



WESTERN REGION

NYS Education Department
Richmond Avenue
Batavia, NY 14020
(716) 344-2112

ALBANY REGION

NYS Education Department
9C49 Cultural Education Center
Empire State Plaza
Albany, New York 12230
(518) 474-5356

WESTCHESTER REGION

NYS Education Department
1950 Edgewater Street
Yorktown Heights, NY 10598
(914) 245-0010

LONG ISLAND REGION

NYS Education Department
Salisbury Center
Valentines Road & The Plain Road
Westbury, NY 11590
(516) 997-8700

NYC REGION

NYS Education Department
55 Hanson Place
Brooklyn, New York 11217
(212) 488-4450

The Division of Program Monitoring is comprised of five Regional Offices staffed by Regional Associates. They are responsible for monitoring special education services and providing technical assistance to the schools and residents of their regions.

NEW YORK
THE STATE OF LEARNING

SETRC

INFORMATION CHECKLIST

SINGLE COPIES of the following publications from the New York State Education Department are available at no cost from the ***Special Education Training and Resource Center (SETRC)*** network. Write your name and address below, check the items you would like to receive, and return this form to your local SETRC. A listing of the addresses is attached. Please allow 2 - 3 weeks for delivery.

NAME: _____ POSITION: _____

ADDRESS: _____

_____

_____ ZIP: _____

New York State Laws and Regulations

____ **Article 89 of the Education Law** *(revised September 1989)*
This section of the State's Education Law specifies the educational responsibilities of local school districts and the State Education Department to educate children with handicapping conditions. It includes Chapter 853 of the Laws of 1976 and subsequent revisions and additions.

____ **Article 81 of the Education Law** *(revised September 1988)*
The State law governing the education of children residing in child care institutions including those who do or do not have handicapping conditions.

____ **Part 117 of the Regulations of the Commissioner of Education** *(as amended February 1987)*
Establishes standards for diagnostic screening of new entrants to the schools and those falling below State reference points on certain exams.

____ **Part 200 of the Regulations of the Commissioner of Education** *(effective February 26, 1987)*
The State regulations for the education of children with handicapping conditions.

____ **Amendments to Part 200** *(February 1987 - January 1989)*

____ **Amendments to Part 200 for Preschool under Chapter 243/1989** *(July 28 - November 1989)*

Federal Laws and Regulations

____ **Education of the Handicapped Act, 20 United States Code, Sections 1400-1461** *(as amended by P.L. 94-142, P.L. 98-199, P.L. 99-372, P.L. 99-457, and P.L. 100-630, revised September 1989)*

This Federal law mandates the education of all children with handicapping conditions and requires due process procedures, Individualized Education Programs and other safeguards which protect the educational rights of children with handicapping conditions.

_____ **Assistance to States for Education of Handicapped Children, 34 Code of Federal Regulations, Part 300** *(revised July 1, 1988)*
The August 23, 1977 Federal Regulations which establish procedures to implement P.L. 94-142 at the State and local level, as renumbered and amended.

_____ **Section 504 of the Rehabilitation Act of 1973, 29 United States Code, Section 794,** *(as amended November 1988)* and **Nondiscrimination on the Basis of Handicap, 34 Code of Federal Regulations, Part 104**, *(as amended May 1980)*
Law and regulations regarding nondiscrimination on the basis of handicap under Federal grants and programs.

_____ **Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g** *(August 1979)* and **Family Education Rights and Privacy, 34 Code of Federal Regulations, Part 99** *(effective May 26, 1988)*
Law and regulations regarding student records, also referred to as the Buckley amendment.

Publications

_____ **A Parent's Guide to Special Education: Your Child's Right to an Education in New York State** *(1990)*
This manual is written for parents of children who require special education. It explains the responsibilities of State and local educational agencies for the education of these children.

_____ **A Guidebook for Committees on Special Education in New York State** *(1987)*
A manual to assist CSE members in meeting regulatory responsibilities, includes management strategies.

_____ **Alternative Testing Techniques for Students with Handicapping Conditions** *(1986)*
A manual which provides information on the appropriate use of such techniques during statewide testing programs.

_____ *(UNDER REVISION)* **Aging Out: The School District's Role in the Transition from School to Adult Services** *(1987)*
A manual to clarify the three sections of law and regulations relating to aging. Contains procedures, suggested form letters and sample reports.

_____ **The Vocational Assessment of Students with Handicapping Conditions**, *(1989)*
A manual to assist schools in fulfilling responsibilities for vocational assessment.

_____ *(UNDER REVISION)* **The Triennial Evaluation of Students with Handicapping Conditions** *(1985)*
A manual designed to assist those professionals responsible for conducting triennial evaluations.

Brochures and Other Available Materials

_____ **Information and Training on the Education of Students with Handicapping Conditions**

A description of the services available through the Office for Education of Children with Handicapping Conditions (OECHC) Division of Program Development and the New York State Training Network including the addresses and telephone numbers for the Special Education Training and Resource Centers (SETRC).

_____ **New York State Early Childhood Direction Centers**

A listing of the 15 Direction Center addresses and telephone numbers to assist families of preschool children with handicapping conditions to link with appropriate services.

_____ **Map of OECHC Regional Offices**

This map shows the location of the OECHC Regional Offices and the areas they serve. It includes addresses and telephone numbers.

_____ **Newsbriefs**

Published during the school year, the OECHC newsletter contains information about changes in State and Federal legislation and policy which affects the services provided for pupils who require special education, and reports on activities of the Office.

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